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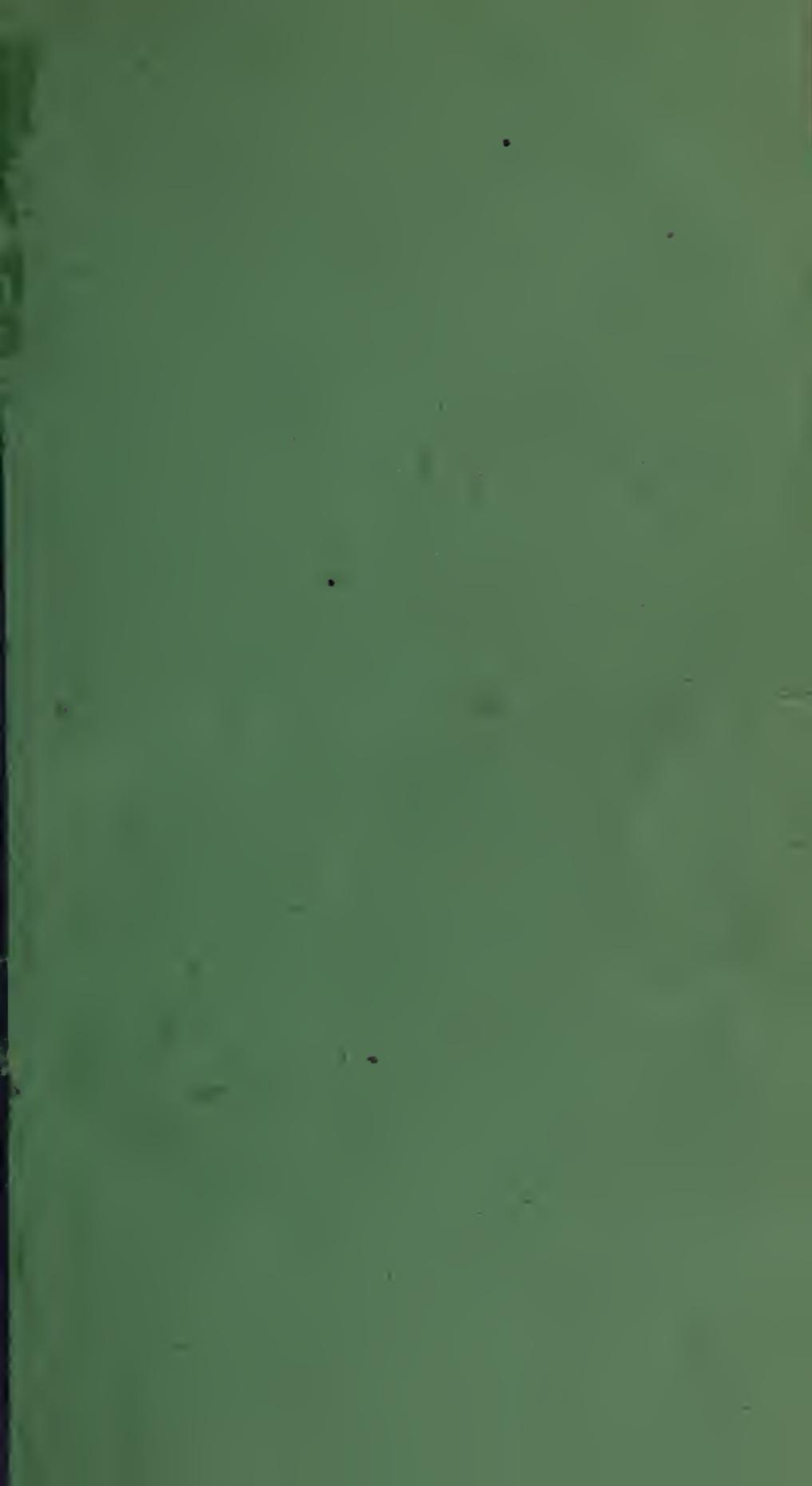


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✓ TRIAL

OF

FRANCIS BURKE,

BEFORE

BALTIMORE CITY COURT,

ON AN

Indictment for Manslaughter,

BY ADMINISTERING TO

BENJAMIN M. HAZELIP

CERTAIN

Thomsonian Remedies.

25158

Baltimore:

PRINTED BY JAMES LUCAS & E. K. DEAVER.

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INTRODUCTION.

A few remarks, as an introduction to the account of the following trial will not, it is hoped, be considered improper, as an elucidation of the subject of the pamphlet now before you. The patient, Mr. B. M. Hazelip, was an utter stranger and came to the house of Francis Burke twice, and complained very much of pains in the stomach, &c. and sense of deadness of the limbs, and pressed him to take him (Hazelip,) through a course of the Thomsonian Medicines, and said he had obtained a promise of the use from William Bell, who had a steaming apparatus, and that Bell had told him he did not understand enough of the mode of treatment by Thomsonians to feel safe in administering the medicines, but that if he could get Burke or Ward Sears, or any other competent person, he would render every assistance in his power. That he (Bell) was not in possession of a right to use the medicines, and although he was in the habit of using them, and at least once a week used the steam, yet, his information and judgment, in reference to others, were not to be trusted. It was intended, from the first notice of the trial to move that each should be tried separately—and as Bell would be an important witness in the behalf of Burke, and might have thrown much valuable light upon the subject, when the motion to separate was accceeded to, an endeavor was made to bring up Mr. Bell's case first—this, the Attorney for the state positively refused to admit of, and the Attorneys for the defendants were compelled to go into the trial of Mr. Burke, thereby depriving him of the most important testimony in reference to the treatment; and, indeed, the only individual knowing to the whole of the transaction, and reducing the Attorneys of Burke to the necessity of culling from the conflicting testimony of the witnesses on the part of the prosecution, evidence to prove his innocence of the charge of gross inhumanity and want of attention to the deceased. If Bell's testimony could have been obtained, it is more than probable the Jury would have come to a decision in favor of Burke

without the trouble of leaving their box, (which they did for a few minutes.) Indeed, such was the confidence of Burke that there must be a decision in his favor, that his appearance and feelings were not such as are usually observed in a "prisoner at the bar," on the grave charge of man-slaughter, but of one confident in innocence, and certain of a signal triumph over all the machinations of his persecutors, by a verdict of "Not Guilty." The object of his enemies, (or, to speak more correctly, the enemies of the excellent System and Practice of Dr. Samuel Thomson, by innocent vegetable medicines) was apparent in the association of Mr. Bell with him in the indictment, and subsequent refusal to take up the case of Bell first; but in this they were foiled by the conjoint admissions of their own witnesses, and the testimony of the witnesses in favor of Burke, who was compelled to call on his patients as vouchers on his behalf, who testified to cures which would have been a sufficient ground for boasting to the most successful of the members of the medical faculty there arrayed against him, and caused them to rejoice, and be proud of their unusually good fortune, in having such high testimony to their qualifications and success. But instead of that, no one could crave their unenviable feelings, when almost every individual witness for the prosecution testified to something mortifyingly painful to them. Every thing had been done by his enemies to convict him—a partial Coroner—a packed Jury, and six of the medical Faculty to sit with them, direct their operations, ask questions, record testimony, and make up their verdict—this would not answer yet—some would not (in the Coroner's significant expression) "suit the purpose," and a person that was not present to hear all the testimony, was brought by him, out of bed, at 3 o'clock in the morning, to sign a verdict about a case of which he knew but little, instead of a regular juror, Mr. Jacob Stahl, who had been present and saw and heard, and knew the history of the whole matter;—the Coroner acting as prosecuting attorney in the case, and threatening the jury that he would "put them all in the Watch-house if they did not agree in their verdict;" and, the Coroner's omission, although instructed to do so, by Mr. Bell, to summon persons in the immediate neighborhood, who were, although previously utter strangers to Burke, supposed to be favorable to him, viz: Mr. Sage and Mr. Sumwalt.

On the trial before the City Court a formidable array of two Professors, (E. Geddings and N. Potter) and Drs. Isaac

Cole, Charles Maguire, A. Dunan, Samuel A. Jones, F. E. B. Hintze,* and certain relatives and friends of the deceased, as will be seen by the report of the testimony for the State. But, still "the purpose" was not accomplished—a jury of cool dispassionate and independent, unprejudiced men, after a deliberate investigation of the testimony and pleading, which occupied from the commencement to its termination, the very unusual term of fifteen days, in which they had every opportunity to calmly weigh every thing offered for their consideration and unbiased judgment, who decided, "the prisoner at the bar 'not guilty' of the charges preferred against him in the indictment."

Only about 16 witnesses were examined on the part of Burke out of 127 summoned—his Attorneys being willing to rest the cause on their excellent and conclusive testimony for a defence rather than occupy the time of the Court more than was actually necessary for that purpose. If the balance had been heard, a mass of testimony would have been given that would have put even the most prejudiced of his medical opponents to the blush, because of their soulless opposition.

The Court room during the trial was frequently crowded, as it was a case of universal interest, but the audience, (except the Doctors) were so undivided in their opinions, that Burke would be pronounced not guilty, that when the verdict was heard, a smile of assent was the only indication of their approval.

* The redoubtable learned champion against *mal-practice*—the Apothecary—the vender of nostrums and ANTI-CHOLERA SNUFF—the Medical Doctor, M. L. Knapp, was, also, summoned! the same that bled the patient in "the temporal artery," who had a "hard, hurried, and spiteful pulse," which bled to the last moment of the patient's existence; and, who, even up to that time, had "a distinct pulse at the wrist"—a patient who was "just out of the steamer," (and of course in a profuse perspiration) upon whose naked body he had "ordered the windows and doors to be opened"—this Dr. M. L. Knapp, who had taken so prompt and active a part in attempting to expose the horrible "Burking," (he forgot to mention also, the "Knapping" of the highly respected and wealthy Captain White, of Salem) and to prejudice the community against an innocent individual—who, although he had suffered considerable loss by fire, and notwithstanding the wants of a large family, gave up a situation by which he could support them, and risked the loss of health and life in gratuitously and successfully attempting to cure his fellow beings of that scourge or scourges, the Spasmodic Cholera, in several weeks of almost incessant toil and watching—whose place of rest was by the bed-side of his patients; and, to whom an ordinary night's rest would have been an invaluable treat. Such a Dr.

M. L. Knapp, could not be present at the trial. The poison was diffused through the minds of the public, and then he had *urgent business* of course, which called him away—perhaps to vend his Anti-Cholera Snuff;—perhaps, to edify the country folks with his tales of “Burking” then growing too stale in the City of his residence—perhaps, both—it is not known, and, it matters little what.

COMMUNICATIONS

Which appeared in the newspapers of the City of Baltimore, relative to the subject of the accusation against Francis Burke.

From the Baltimore Gazette of September 18th, 1832.

SIR,—The undersigned asks room to relate a case of appalling character. He cannot rest till he has given publicity to the facts, and inquired if there be no remedy for such fatal practices, no recompense for offenders of this stamp. *Burking* is only more horrid in one particular, to wit: that the victim is seized contrary to his will, but here the offering is voluntary, through delusion. But he designs only to state facts, and let the public at large decide what punishment is due to such a crime.

I was called yesterday morning, in greatest haste, by a neighbor, to see his brother-in-law, who, he said, was dying from being steamed by the Thomsonians. Hastening to the place I beheld the victim; a fine, healthy, good looking man, of about thirty, just out of the steamer, rolled in blankets, and lying on a sacking-bottom, and moaning out his last sad agonies. His head, body, and extremities were steaming hot, and soaked, as if he had been drowned in hot water. His face was swollen and flushed, his eyes engorged and prominent, seemed bursting from their sockets, and his pulse, which was distinct at his wrist, was hard, hurried and spiteful.

I opened the temporal artery, and caused the windows and doors to be flung open, and his head bathed in evaporating lotions—but it was all over with him—he died with the artery bleeding, as it were, till the last moment, and a distinct pulse at the wrist.

I was informed that he came there, partially intoxicated, complaining of symptoms of Cholera, but was urged not to go into the steam-bath, by the man of the house, who stated to

him that he was near being killed by it himself a short time since, but he persisted in his determination and sent out for one to "take him through the course," as they call it, and who it is plain did "take him through a course!" I was told that he had taken lobelia, and also the cayenne tincture, or No. 6, whether by mouth or in the form of an injection, I cannot say, but probably both, as a large syringe was lying at his feet—every thing seemed left in a hurry—all was terror and commotion, and the operator was off!! It is impossible to say whether or not he had symptoms of Asiatic Cholera in the commencement of his case. One thing is certain, he had no features of Cholera in death. It seems to me proper to state that the boiler, in this steaming establishment, appeared from a hasty glance to be a snug little affair, suitable for a one horse power engine, having, say an inch and a half, or two inch pipe of tin to convey the steam to an adjoining apartment, into the receiver, in which the subject is placed in a recumbent posture.

My friend Dr. Cole, in South-street, was in attendance on this case with me, with whom I should have conferred last evening, and solicited an examination of the body, but for a bilious attack under which I have been for a few days laboring myself, and prudence requiring me to avoid the night air.

Dr. Cole will doubtless shed more light on this subject, as he was called to the man above mentioned who came near being killed by a 'course,' a short time since.

I have no object but the cause of humanity in offering this to the public.

M. L. KNAPP.

From the same of September 21st, 1832.

SIR—I saw with considerable surprise an article in your paper of the 18th inst. signed 'M. L. Knapp,' purporting to be a true statement of the 'facts' connected with the death of an individual who had been 'steamed by the Thomsonians,' to whom he 'was called in the greatest haste, by a neighbour, his brother-in-law,' which he is pleased in reference to my name, and some disgraceful and murderous proceedings of the Medical Faculty in Europe, to denominate '*Burking*,' a term rather unfavorable for effect in the mouth of a M. D., unless Mr., or Dr. M. L. Knapp, expects by so

doing to cast all the odium of their deeds on the Thomsonians. Although he pretends 'only to state facts, and to let the public at large decide what punishment is due to such a crime,' I think it can be made quite apparent (to make use of his own figure) that he has been very grossly '*Knapp-ing*,' upon 'facts,' and even made statements respecting his own conduct in the case, which might not be very acceptable to himself, if subjected to a legal investigation—but, I will take up the assault on my character and the character of the Thomsonian practice, according to the order in which it is made, 'and let the public at large decide' as suits their ideas of propriety—informing them however irregular and illegal I may consider the proceedings against me, I shall endeavor to prepare for the tug of war between M. D'ism and Thomsonianism, waiving for the present all minor considerations, that I may get at the issue in the most speedy manner, when the public will hear from me again, more fully.

M. L. Knapp says in the first line of his statement, 'I was called yesterday morning,' &c. ; now the fact was, it could not be earlier than two o'clock, P. M., and he came some minutes after Dr. Cole arrived—so much for his veracity in the outset. 'I beheld the victim, a fine, healthy, good-looking man, of about thirty.' Let the public enquire for themselves in this particular—he stated to me that he had "been on a drunken frolic for soine days"—and his own wife and others say that he had not eaten any thing to their knowledge since Saturday morning to the time of his application to me: "just *out of* the steamer;" this is untrue in two particulars—he had been where he was for at least half an hour, and that not '*out of*,' but rather *off from* a sacking under which the steam was applied, regulated principally, by the wish of the patient. 'Rolled in blankets'—untrue, unless from tossing about in his fits. 'And lying on a sacking-bottom'—positively false, unless he admits the fact of there being his own feather-bed and sheet between the patient and the sacking-bottom of the bedstead. 'Moaning out his last sad agonies'—he was in a state of stupor from his fits, and 'his last sad agonies' will be dwelt upon in another place. 'His head, body and extremities, steaming hot, and soaked as if he had been drowned in hot water.' His head, body and extremities could not be steaming hot from the fact of his tossing and tumbling about and getting the air about him, and his face and breast being continually well washed by a large sponge full of cold water, or washed with vinegar; the

soaked appearance of the skin could not be otherwise, when he had been kept moist for a considerable time—that, any illiterate washer-women could have told him would be the case, whether the water be cold or hot.

‘His face was swollen and flushed’—this was not the fact at the time of Dr. K’s arrival—it had been so a short time previous. ‘His eyes engorged and prominent, seemed bursting from their sockets.’ Did Dr. K. suppose it could be otherwise under a view of the circumstances, and when it was stated that Mr. Bell, in attempting to hold some spirits of camphor to his nose, spilt a considerable quantity of it in his face and eyes. ‘And his pulse, which was distinct at his wrist, was hard, hurried and spiteful.’ A few minutes before Dr. K. arrived, Dr. Cole examined his pulse, and said it was too weak and feeble to justify the abstraction of blood from the arm, and *the only hope he had*, was by taking it from the head, which he attempted with partial success, from a branch of the temporal artery, which had pulsation evident to the sight. His pulse being hard, hurried and spiteful, according to Dr. K., and weak and feeble to Dr. Cole, conveys a reflection upon the judgment of one of them, and “who shall decide when *Doctors* disagree?”

In the second paragraph, he begins with ‘I opened the temporal artery, and caused the windows and doors to be thrown open, and his head bathed in evaporating lotions; but it was all over with him.’ I myself held the head of the patient at the request of Dr. Cole before Dr. K. arrived, while he struck, or attempted to strike a branch of the temporal artery on the right side, from which some blood flowed, and was present when Dr. M. L. Knapp undertook to make it bleed more copiously—at the time Dr. K. attempted to cause a greater flow of blood, I had at their request opened a door on the west side of the room, and thrown up a sash that the patient might have more air, and then put a paper in my pocket of a powder of my own, used by Thomsonians to quiet the nerves, as his had been exhausted in my endeavors to do so. I observed to the persons present that as I had no right to remain there I should go and attend to my business, and left the room. What Dr. K. did afterwards I am not able to say, further than he tells us; but, certainly it will not be contended that a general application of chill air to the body was at all calculated to lessen the tendency of the blood to the recently engorged vessels about the brain, and such appeared to be the case while I was in the room. The only

'evaporating lotion' I saw, was the spirits of camphor, and that, I believe, it will be conceded, is a very tardy one; its being 'all over with' the poor man, might, considering the circumstances, be attributed to a different cause from what Doctor Knapp from the tenor of his remarks would wish to be understood; for he says in continuation—'he died with the artery bleeding, as it were, till the last moment, and a distinct pulse at the wrist.' Now, reflecting reader, what inference would you draw if the relation of this treatment had been given by a Thomsonian or any other than a member of the Medical Faculty? for *they may kill* as many as they please, and the whole attended with the most aggravated circumstances; but, with them, 'killing is no murder,' and, indeed, as they have all the law in their own hands, it cannot be otherwise. If the patient died with the artery bleeding, as it were, to the last moment, and a distinct pulse at the wrist—what conclusion can you, or rather, could you draw, if the relator was not a privileged M. D., and possessed, in consequence, of all the sense and science of a chosen professor of omniscience, but, that the patient died of exhaustion of the vessels about the brain, seeing that he had a distinct pulse at the wrist, while the blood was flowing from the artery "to the last moment"? I leave you to your own judgment without venturing my own opinion against the *ipse dixit* of a fearfully immaculate M. D.; you may do as you please in reference to the cause of his death; if you account for it as I do, the cause of the poor man's "last sad agonies" will be apparent.

Dr. K. proceeds in the third paragraph of his exposition, "I was informed that he came there, partially intoxicated, complaining of symptoms of cholera, but was urged not to go into the steam-bath by the man of the house, who stated to him that he was near being killed by it himself, a short time since; but he persisted in his determination, and sent out for one to "take him through the course," as they call it; and who, it is plain did take him through a course!" Whatever he "was informed" and how much was told him, I neither know, nor care; the man certainly *did* complain of symptoms of cholera, and I knew, from all I had seen of the disease, (and I am confident I have watched it with more industry and perseverance of effort to effect its cure, than any individual of the medical faculty in the city of Baltimore,) if the patient had a severe attack, as he had been so very intemperate, there would be, under any treatment, very little

ground for a hope of his recovery, and that induced me to lay aside the scruples I felt to taking him in hand, under the then existing circumstances. It is not true that he sent out *for me* to take him through the course—he came *to me* twice; both times he informed me that Mr. Bell told him he was unwilling to administer the medicines to him, without some person to aid who was better acquainted with it than himself, and the second time he informed me that he had bought his own medicines, (certainly without instructions what to get from me,) and had furnished himself with his own covering; that Mr. Bell tendered him the use of his steaming apparatus, and that he had taken a dose of powders, which vomited him. Had the patient told me that Mr. B. “stated to him that he was near being killed by it a short time since,” I should certainly have declined having any agency in the business. It is not the practice of Thomsonians (however it may be with others) to meddle with what they have not a clear invitation to do—if the case terminated unfavorably, I would ask, who that has attended many patients has lost none? and why should *I* be singled out, and such powerful efforts made to criminate *me*? Are the medical faculty angry because in French alley, where there was a fair test of the two modes of treatment, they lost all the patients they took in hand, (five in succession,) and I had eight patients and saved six out of that number? or is it criminal in all but themselves not to be infallible? Whether the patient took lobelia or what else, he is welcome to believe what “was told” him, “whether by the mouth or in the form of an injection” will be known in their proper time; and, as to the “large syringe lying at” his (the patient’s feet) it is of no consequence; it had not been used for some hours, and belonged, I suppose, to Mr. Bell; it was not within several feet of the patient a short time before, and as Dr. K. has volunteered, evidently with intent to prejudice the public mind against me previous to a trial of the case before a *regularly-conducted* jury, it is not improbable to suppose that he volunteered in placing the syringe where it was, for effect, as the bedstead whereon the patient lay was but brought into the room not one hour before, for the use of the patient? Whether it be “impossible to say” or not to say, “whether he or not he [the patient] had any symptoms of Asiatic cholera in the commencement of his case,” or “features of cholera in death,” must, I suppose, be still left to *the extraordinary medical acumen* of Dr. K. for a decision—this I know, he had in the first part of his

treatment so severe spasms as to roar loud enough to be heard in the street—that he complained of slight spasms occasionally for some time after, and had very severe spasms a short time previous to the fit which alarmed his friends so as to cause them to send for several of the medical faculty. *I* did not send for them, and when they came, *I* was so far from being “off” that *I* staid and did more than *I* can quite justify myself for, as *I*, at the request of Dr. Cole, held the patient’s head while he cut for the temporal artery, and then at the request of Dr. K. opened a window and door upon the exposed body of the patient, not because *I* thought it right, but for accommodation sake. The ignorance of Dr. K. in his estimate of what will constitute “a one horse power steam-engine” may be ascertained best by an observation of it; indeed, his must, truly, have been “a hasty glance,” and if even so, it does not follow, of necessity, that “the operator,” must use too much of it for good purpose, nor is the diameter of an inch and a half or two inch pipe of tin so dreadful as he may imagine. The assertion that “the subject is placed” in “the receiver,” into which the steam is conveyed, is positively false. In conclusion, Dr. K. says, “I have no object, but the cause of humanity, in offering this to the public;” how far he is to be believed is left for “the public to decide,” when it must have been known to him that an investigation had been instituted, and that it was probable the whole would be tried by the proper authority. *I* consider him but a “cat’s paw” for others, and as such, now leave him to the smiles or frowns of “the public at large.”

Yours, &c.

FRANCIS BURKE.

TRIAL, &c.

[Judges BRICE and NISBET, Presiding.]

There occurred in this case, characterized throughout, by extraordinary incident, the unusual proceeding of a trial of some of the jurors upon an exception to them for favor.—It was suggested by the counsel that each juror, as he came to the book, should state to the court if he had formed and expressed an opinion on the case; and the question was accordingly propounded in that form.—Some of the jurors candidly stated in reply, that they had formed an opinion favorable to the prisoner, and retired from the box.—On the question being propounded to Mr. John E. Stansbury, he replied, that he had not formed nor expressed any opinion upon the subject; whereupon the Deputy Attorney General, insisted that triers should be sworn for the purpose of determining whether John E. Stansbury stood indifferent or not. Three triers from the jurors previously sworn, viz: Samuel Child, John Durham and Henry Hanna were then sworn, and testimony was offered by the state to show that Elijah Stansbury Jr. was the purchaser of a right under the Thomsonian patent, and that he was a practitioner of that system. It was thence argued on the part of the state, that as Elijah Stansbury Jr. was the brother of John E. Stansbury, and deeply involved in his feelings, in the success of this system, and consequently in the result of this very trial; that J. E. S. was not *omni exceptione major*, and of course should not be sworn as a juror. It was contended by the counsel for the prisoner, that the bias which the State's Attorney attempted to show as resulting from the relation of John E. Stansbury and Elijah Stansbury Jr. in connection with the fact of Elijah Stansbury Jr. being a holder of a right, was altogether too remote and indistinct to warrant the belief that he would not decide according to the testimony—that the great object was to have a fair and impartial trial, by competent and disinterested men, and that nothing in the present case had been shown

to satisfy the court that the juror, John E. Stansbury, had not all those important attributes, required for his office.

After it was decided by the triers, that John E. Stansbury was competent to serve, he and the balance of the jurors were sworn in—the indictment was then read, and the prisoner at the bar plead not guilty. The following is the indictment:

STATE OF MARYLAND.

City of Baltimore, Sct.

The Jurors of the State of Maryland, for the body of the City of Baltimore, do upon their oaths present, That Francis Burke, late of the City aforesaid, Yeoman, and William Bell also, late of the City aforesaid, Yeoman, not having the fear of God before their eyes, but being moved and seduced by the instigation of the Devil, on the seventeenth day of September, in the year eighteen hundred and thirty-two, with force and arms at the City aforesaid, in and upon one Benjamin M. Hazelip, in the peace of God and of the said State, then and there being, feloniously and wilfully did make an assault, and feloniously and wilfully did then and there administer unto, and cause to be received by the said Benjamin M. Hazelip into the body and bowels of him, the said Benjamin M. Hazelip, a certain noxious and injurious clyster, which said clyster before that time, to wit, on the day and year aforesaid, at the City aforesaid, had been prepared of various, noxious and injurious and dangerous ingredients; that is to say, of Cayenne pepper, composition powder, nerve powder, and lobelia, by the said Francis Burke and William Bell; and that they, the said Francis Burke and William Bell, did then and there feloniously and wilfully administer unto the said Benjamin M. Hazelip, and did then and there feloniously and wilfully apply unto and upon the breast, stomach, belly, back, head, legs and arms of him, the said Benjamin M. Hazelip, a certain noxious and injurious hot vapour called steam, and did then and there feloniously and wilfully keep and detain the said Benjamin M. Hazelip under the application and action of the noxious and injurious hot vapour aforesaid called steam, for a long space of time, to wit, for the space of three hours, and did then and there, and whilst the said Benjamin M. Hazelip was under the application and vapour of the hot vapour aforesaid, feloniously and wilfully administer unto, and did then and there feloniously and wilfully cause to be swallowed by him, the said Benja-

min M. Hazelip, a certain noxious and injurious drug, to wit, lobelia ; and that they, the said Francis Burke and William Bell, by administering the clyster as aforesaid, the hot vapour aforesaid called steam, as aforesaid, and the injurious drug aforesaid, as aforesaid, feloniously and wilfully did then and there cause and procure the said Benjamin M. Hazelip to become mortally sick and diseased in his body, and of which said mortal sickness and disease in the body of him, the said Benjamin M. Hazelip, he, the said Benjamin M. Hazelip, then and there died. And so the Jurors aforesaid, upon their oaths aforesaid, do say and present, that the said Francis Burke and William Bell, in manner and form, and by the means aforesaid, him, the said Benjamin M. Hazelip, did then and there feloniously and wilfully kill, contrary to the form of the Act of Assembly in such case made and provided, and against the peace, government and dignity of the State.

And the Jurors aforesaid, upon their oaths aforesaid, do further present, that the said Francis Burke, late of the City of Baltimore, yeoman, and the said William Bell, also late of the City aforesaid, yeoman, not having the fear of God before their eyes, but being moved and seduced by the instigation of the Devil, on the seventeenth day of September, in the year eighteen hundred and thirty-two, with force and arms at the City aforesaid, in and upon one Benjamin M. Hazelip, in the peace of God and of the said State, then and there being, feloniously and wilfully did make an assault, and did then and there feloniously and wilfully administer unto the said Benjamin M. Hazelip, and did then and there feloniously and wilfully apply unto and upon the breast, stomach, belly, back, head, arms and legs of him, the said Benjamin M. Hazelip, a certain noxious and injurious hot vapour called steam, and did then and there feloniously and wilfully keep and detain the said Benjamin M. Hazelip under the application and action of the noxious and injurious hot vapour aforesaid called steam, for a long space of time, to wit, for the space of three hours ; and that the said Francis Burke and William Bell, by administering and applying the aforesaid hot vapour called steam as aforesaid, did then and there feloniously and wilfully produce and cause a mortal engorgement of the blood vessels and veins of the lungs, brain and liver of him, the said Benjamin M. Hazelip, and a mortal effusion of the length of one inch, and of the depth of one inch, of a bloody fluid in and upon the brain of him, the said Benjamin M. Hazelip, of which said mortal engorgement

of the blood vessels and veins of the lungs, brain and liver, and mortal effusion of a bloody fluid, in and upon the brain of him, the said Benjamin M. Hazelip, he, the said Benjamin M. Hazelip, then and there died. And so the Jurors aforesaid, upon their oaths aforesaid, do say and present that the said Francis Burke and William Bell, in manner and form, and by the means aforesaid, him, the said Benjamin M. Hazelip, did then and there feloniously and wilfully kill, contrary to the form of the Act of Assembly in such case made and provided, and against the peace, government, and dignity of the State.

And the Jurors aforesaid, upon their oaths aforesaid, do further present, that the said Francis Burke, late of the City aforesaid, yeoman, and the said William Bell, also late of the City aforesaid, yeoman, not having the fear of God before their eyes, but being moved and seduced by the instigation of the Devil, on the seventeenth day of September, in the year eighteen hundred and thirty-two, with force and arms, at the City aforesaid, in and upon one Benjamin M. Hazelip, in the peace of God and of the said State, then and there being, feloniously and wilfully did make an assault, and feloniously and wilfully did then and there administer unto, and cause to be received by the said Benjamin Hazelip into the body and bowels of him, the said Benjamin M. Hazelip, a certain noxious and injurious clyster, which said clyster before that time, to wit, on the day and year aforesaid, at the City aforesaid, had been prepared of various noxious, injurious and dangerous ingredients ; that is to say, of Cayenne pepper, composition powder, nerve powder, and lobelia, by the said Francis Burke and William Bell, and that the said Francis Burke and William Bell did then and there feloniously and wilfully, administer unto the said Benjamin M. Hazelip, and did then and there feloniously and wilfully apply unto and upon the breast, stomach, belly, back, head, legs and arms of him, the said Benjamin M. Hazelip, a certain noxious and injurious hot vapor called steam, and did then and there feloniously and wilfully keep and detain the said Benjamin M. Hazelip under the application and action of the noxious and injurious vapor aforesaid called steam, for a long space of time, to wit, for the space of three hours ; and did then and there, and whilst the said Benjamin M. Hazelip was under the application and action of the hot vapor aforesaid called steam, feloniously and wilfully administer unto, and then and there did feloniously and wilfully cause to be swallowed by him, the said Benjamin M. Hazelip, a certain

noxious and injurious drug, to wit, lobelia; and that they, the said Francis Burke and William Bell, by administering the Clyster aforesaid, as aforesaid, the hot vapour aforesaid called steam, as aforesaid, and the injurious drugs aforesaid, to wit, lobelia, as aforesaid, did then and there feloniously and wilfully cause and procure a certain mortal engorgement of the blood vessels and veins of the lungs, brain and liver of him, the said Benjamin M. Hazelip, and certain mortal spots of inflammation of the length of one inch, and of the depth of one inch, in and upon the internal surface of the stomach and bowels of him, the said Benjamin M. Hazelip, and a certain mortal effusion of the length of one inch, and of the depth of one inch, of a bloody fluid upon the brain of him, the said Benjamin M. Hazelip, of which said mortal engorgement of the blood vessels and veins of the lungs, brain and liver, mortal spots of inflammation upon the internal surface of the stomach and bowels, and mortal effusion of a bloody fluid upon the brain of him, the said Benjamin M. Hazelip, he, the said Benjamin M. Hazelip, then and there died; and so the Jurors aforesaid, upon their oaths aforesaid, do say and present, that the said Francis Burke and the said William Bell, in manner and form, and by the means aforesaid, him, the said Benjamin M. Hazelip, did then and there feloniously and wilfully kill, contrary to the form of the Act of Assembly in such case made and provided, and against the peace, government and dignity of the State.

THOMAS JENNINGS and R. W. GILL, *Deputies of the Attorney General of Maryland*, for the City of Baltimore.

GEO. R. RICHARDSON and DAVID STEWART, for the Defendant.

True Copy—Test,

WM. MEDCALFE, *Clerk
Baltimore City Court.*

After a few preliminary observations by the deputy attorney general, R. W. Gill, the witnesses for the State were called up. The testimony as given, reported by Mr. William G. Jones, one of the jurors.

LORENZO PATRICK was sworn, and deposed as follows:

I was intimate with the deceased, and knew him very well. I saw him after his death. He came to me early in the morning, came in the room in which I was at work, after he came he staid about a minute, and went out and immediately re-

turned, and again went out with a roll of blankets which he took and went to Mr. Bell's. This was before breakfast and about 8 o'clock. Between eleven and 12 o'clock I heard Mr. Hazelip was at Mr. Bell's, and I immediately went to Bell's. I there saw Mr. Bell. He stated to me that it was a strong case of spasmodic cholera. I went up and found Mr. Hazelip on a machine they use for steaming. He was lying upon the machine and was very restless; his face was much flushed, and he observed he was not able to stand it. He said he never would be able to go through it. Mr. Bell and Mr. Burke were both engaged in the operations. Mr. Bell told him in reply to his remark, "that he never would be able to go through it," that as he commenced, he must go through it, and that he would forfeit fifty dollars if Mr. Hazelip should not be a well man. Mr. Bell further remarked that if Hazelip had been an hour later in coming, his case would have been very desperate. I left Bell's and went to Mrs. Hazelip's, and after I had been there a few minutes, Mr. Moffit's brother came in and asked me to go to Bell's with him—I refused to go, as I had just been there; he however persisted, and I at last, consented and went back with Mr. Moffit. During my second visit Mr. Burke was there—this was between 12 and 1 o'clock. Burke was chiefly in the room during the whole time I was there.

Hazelip sat up on the sacking bottom and observed that he could not stand it. Burke told him that he must go through now, as he had commenced, and that if he did not, he would be liable to spasms. He made him lie down. I do not say he used violence to force him down, but he told him he must lie down, and he did lie down again. Mr. Burke then gave him some medicine to drink. He gave it as medicine and said he must take it. Mr. Hazelip refused to take it, Burke however, prevailed upon him, and he did take the medicine. I did not know what it was, but understood it was medicine. I then left him, and the next time I saw him, he was dead. I went away soon after the medicine was taken, and saw him again about 3 o'clock. He was, in the morning, apparently as well as I am. The next time I saw him, after I left the shop, he was on the steamer. When I saw him between 11 and 12 o'clock, I was with him about 25 minutes, and he was under the action of steam all the time I was there.—While I was with him the first time, no medicine, I believe, was given him; I believe, however, Mr. Bell did give him some gruel. I put my hand before the steam pipe, but could

not bear it there, in consequence of the great heat. There was no change in the application of the steam during my first visit. The first time, Mr. Burke attended to the steam. There were two rooms, and the pipe led from one to the other: it was a tin pipe. They were rooms close adjoining. No injection was given while I was there. Mr. Bell told me, however, that he had given an injection, and showed me the syringe he used for the purpose. He did not say whether more than one injection, nor did he say what composed it. I did not ask him the question, nor any question about the medicine. Hazelip said that his insides were burning up and complained a great deal. I saw no bed in the room.— There were a table and chair in the room, but no other furniture except some trumpery, but I did not pay particular attention what it was. There appeared to be no preparation in the room for a sick person. I heard Mrs. Hazelip say, she sent a bed to Bell's, but do not know what time she did send it. Mr. Hazelip was still on the sacking bottom at my second visit. I put my hand on the pipe at my second visit, and found that it was just warm. When I saw him the second time, he looked very pale, and he was wrapped up in blankets. I was there about 10 minutes this time, and when I left him, he was still on the sacking bottom. He was, as near as I could judge, about 28 or 30 years of age. His constitution was healthy and robust. I knew him very well and had been acquainted with him about 2 years. He was of active habits.

Cross Examination.—I saw him on the Sunday evening previous to the occurrence at Bell's: He died on Monday. I saw him on Sunday on the Susquehanna rail-road, and went with him as far as Gwynn's tavern. I then walked two or three miles on the road, and when I came back I saw him again; he had been as far as Green Spring. He had been drinking, but not so much but that he was able to take care of himself. He came to town with me, and on the road the car stopped, and we got out and took a glass of wine together. His appearance shewed he had been drinking before. I accompanied him home, and saw him next morning when at work. Previous to this I had not seen him, I think, for a day or two. I think I saw him at his house, being well acquainted with him and frequently calling there, sometimes three or four times a week. I saw no appearance of his being on a frolic: cannot say exactly when I saw him pre-

viously, but it was within four or five days, as I often go to his house, and generally have found him engaged in his business. He was not a man of intemperate habits, but would sometimes take a glass. I never saw him under the influence of liquor except the particular instance mentioned. I was very intimate with him. He said that if he lived on the next Sunday he would have rode again upon the rail-road. He was in excellent health and of active habits. He was intimate with Mr. Bell. He lived near the corner of Second street and Market Space, and kept a second-hand clothing store, and often carried articles to Mr. Bell's to have them dyed. He never said to me that he would go through a course of medicine. I was very intimate with him, but he did not tell me he was going through a course. The machine was formed of two planks boxed up at the ends, about the length of a man, and from two to three feet wide. He was rolled in blankets. The steam pipe came out of the other room, and ran into the box through the bottom: it was wide enough to lay on. Between 11 and 12 o'clock I understood he was going through a course, and was very much surprised to hear that he had the cholera. He said he felt very bad. I thought he had the cholera. Mr. Bell told me that Hazelip had the cholera, and he told me this in the presence of Hazelip. When I went there Bell told me it was a very violent case of spasmodic cholera. Hazelip did not say any thing about it, and wanted to come off; he was very anxious to come off of the steamer, but they would not let him. At the first time the steam pipe was so hot that I could not bear it. At the second time it was cleverly warm; this time he raised up, and Mr. Bell said he must lay down or he would have spasms. He appeared much exhausted, raised up and set on the plank. Mr. Bell made him lay down, and he administered some gruel. I do not know what Burke gave him at my first visit. Mr. Bell remarked that if he had come an hour later his case would have been desperate. Mr. Bell said that he (Hazelip) was in a very fine way, and said he was doing well. I left there between 12 and 1 o'clock, and when I returned Hazelip was dead. The blankets were rolled around him when I saw him on the steam cot, and he was very restless, moving about backwards and forwards. At this time, that is, between 12 and 1 o'clock, the pipe of the steamer was cleverly warm. Hazelip complained very much that he was burning up in his insides, and said he could not go through it.

AMOS WEST deposed as follows.

I went to Bell's house about 1 o'clock on some day about the middle of September, in consequence of hearing, I think from some of my children, that Mr. Bell had taken the cholera; and as I had a great curiosity to see the cholera, I went down to his house. I met Mr. Bell in his dye house, and was very much surprised, as I had heard he had the cholera. He said he had a patient undergoing the steam operation who had it, but that he was not sick himself. I went up stairs, and saw Mr. Hazelip laying on the box, Mr. Burke being at this time in the room. Mr. Bell mentioned he had nothing to do with it, that it was Burke's case, that he had consented to Burke's using the apparatus. Hazelip had some clothing wound round him, and appeared in a great deal of agony from the complaints he made, and from his appearance. He complained very much of the heat, and observed that the operation was a severe one. I felt some curiosity in the case, and examined him and felt his pulse; it was very rapid. I requested him to put out his tongue, he did so; it appeared very red and was very warm. I was induced to examine it from having understood that in the cholera the tongue was always very cold. His eyes were very red, and appeared to be inflamed. I had also heard that in cases of cholera the feet were shrivelled. I examined his feet only by feeling, the toes did feel as if they were shrivelled. I did not see them. He had no spasms when I saw him. He said he had no purgings or evacuations. I put my hand under the clothes; it felt warm, but I could bear my hand there without inconvenience. I did not touch the steam-pipe. I was there from 15 to 20 minutes, and Mr. Burke was there all the time I was. Mr. Bell was there most of the time; he went out, and was up and down frequently, and Mr. Moffit I saw there, I think. Mr. Hazelip was under the application of the steam all the time. Mr. Bell said he could ease the steam off, and went out to stop some part of the pipe for that purpose, which I understood was done by means of a cock. There was something given him by Burke while I was there, and he leaned over the cot and was very sick, and made several attempts to vomit, but I believe did not throw up any thing. Burke gave him some medicine, but I did not know what it was. I knew Hazelip by sight. The medicine was poured out of a phial into a cup, and given to him out of the cup.

Cross Examination.—At the time I went into the room my object was curiosity, as I was anxious to see a case of cholera. I do not recollect of making any remark to any one in the room. Mr. Bell had shown me the steam apparatus some time before. The heat when I was in the room was not very severe. At the time I left the house I did not think him so near his end. I then thought steam-ing a very severe operation, and had very different impressions of the treatment from what I had before I saw it. I wanted to satisfy myself about the cholera was my reason for going in. The man complained much of the treatment. I had my doubts whether he had the cholera. He repeated that he could not stand the operation, and begged them to desist. I did not see him afterwards until after his death. I heard that he had died about 3 o'clock, and I did not see him until the coroner's inquest was held. The jury of inquest met about dark. I think it was spoken of as a case of cholera, and whatever doubts I had I did not express them.

ANTHONY MOFFIT deposed as follows:

I am a relation, the brother-in-law of Mr. Hazelip. I saw him about 8 o'clock, he came to my store and borrowed a couple of blankets: as he was going through he laughed, and appeared well and in good spirits. I next saw him at Bell's between 10 and 12 o'clock. Mr. Bell, Burke, and a small girl, were present. Mr. Hazelip was on the steamer, he was very warm, the perspiration flowed very free in large drops, and his face was flushed. He appeared very restless. Mr. Bell told me that he came to go through a steam, but that he would not let him without the assistance of Mr. Burke. I did not understand which went after Mr. Burke, whether it was Hazelip himself or Bell. He said when he was on the steamer that he could not stand it any longer, and appeared very restless. Burke and Bell talked among themselves. I said to them that if either of us were in the same situation we would be as uneasy as he was. Burke said he did not think so, that he (Hazelip) was quite childish. Burke showed me the syringe that they gave the injection with. He said that they (Burke and Bell) did not wait for medicine to operate. He said the injection was composed of lobelia, cayenne pepper, and number 6. They gave him medicine while I was there. Burke once, and I think Bell once, and Bell gave him gruel also. I remained near an hour; he was in the steam cot all the time I staid. I did not stay in the room all the time, it was very warm and

very uncomfortable. I found him on the cot when I went, and left him on it when I came away. The steam-pipe was so hot I could not bear my hand on it, and they would sometimes blow the steam off by turning it. If the steam in blowing off made any noise, I did not hear it. I do not think it did. The distance from the generator to the cot was about from where I stand to the opposite window (half the length of the court room.) Under the cot was very warm, could not say but that at all its parts it was of the same temperature. There was in the room a table and a chair or two, and some lumber, but there was no bed in the room. I left him on the steam cot, and was going, when Bell seeing I was going, and that I was very uneasy, said he would forfeit \$50 if he would not be well in two hours. I felt his feet, but felt no cramps in them. Bell and Hazelip were intimate. He was about 28 or 30 years old, enjoyed tolerable good health, was an active and muscular man, quite as strong as I am. He was a temperate man, I considered. I saw him on the rail-road the Sunday previous, and was at Gwynn's tavern with him. He showed then that he had taken a glass, but a stranger would not have noticed it. He was perfectly sober when he got the blankets. On my second visit, I saw him close by the steam bath on a bed between 12 and 3 o'clock; about 3 he was in a state of insensibility, and could not speak. Bell was with him; he said that he had sent for a physician. I offered to go for one, and went for Dr. Hintze; and as he was not in, I met Dr. Knapp in Market street, and told him I wanted him to go and see a man who was undergoing the Thomsonian practice; he said he would not go; I urged him to go; he then said that if it was a friend of mine he would, and did accompany me. No physician had been there when I left him. He did not know me at this time, and was insensible. There were about two hours intervened between my first and second visit. Dr. Cole was there when I returned with Dr. Knapp. Mr. Bell was in the room. Burke had gone to attend another patient before Knapp came; I believe it was a lady named Jenkins. Hazelip's apprentice boy brought me word.

Cross Examination.—I was in the room when Dr. Knapp bled him—Mr. Burke was not there when I went for a physician, nor when I came back, do not think I saw him the whole day. I might have reproved Mrs. Hazelip for her anxiety, but do not think I did. I do not recollect telling her that I thought Mr. Hazelip was doing very well, and that

it was a very fine apparatus. I told Mrs. Hazelip that they told me that he was doing very well, but I do not recollect exactly what I did tell her at that time. I did say the machinery and apparatus was a very fine apparatus, for that kind. I meant the machinery looked very well. When I told Mrs. Hazelip my impression was he was doing well, and would get well, I did so to quiet her uneasiness, as she was very uneasy. I went by their opinions, and gave their opinions as mine to her. I knew nothing but what they told me. I was alarmed, but Bell and Burke relieved it by saying he was doing well.

M. B. TOWNSEND deposed as follows:

I saw Mr. Hazelip the day of his death, about a quarter before 10 o'clock, saw him about 10 steps from his door, and stopped to talk to him—he appeared well, and I did not see any thing wrong about him. I never saw him afterwards.—I heard, that at 3 o'clock he was dead. He was active, and apparently in good health. He lived in my neighborhood for two or three years. He would sometimes take too much to drink, and on the Saturday evening previous to his death, he drank too much.

Cross Examination.—I saw him in my store; he came to pay me some money he owed me—he certainly had been drinking. I only saw him on Saturday, at about 5 o'clock.

Dr. ISAAC COLE deposed as follows:

I was called to Mr. Hazelip between 2 and 3 o'clock.—When I arrived, Mr. Bell and Mr. Burke and the patient were all in the room. He was lying on a small trundle bed near the box which they used for steaming. I considered the man laboring under an engorgement of the blood vessels of the head, he was entirely insensible. His face was flushed, his eyes were red. These symptoms and the very great difficulty of breathing led me to this conclusion. Mr. Bell asked me to take charge or administer some relief, if possible, and said they had been steaming him. They did not tell me further than to say they had been steaming him. Mr. Bell appeared very anxious I should afford him some relief. I told him that if I could abstract blood, it was his only chance. I told Burke, that if I bled him and he died, he would say the doctors had bled him to death. Burke was then feeling his temples. He said that he would give the case up to me. I told him that I would not consent to that, but that if I could afford him any relief from the situation in which he

was placed, I would do so. I saw the injecting instrument—they said they had given him an emetic. Mr. Bell said I should bleed him, when I said it was the only course, and seemed anxious I should do it. I found his situation would not admit of general bleeding as he was rapidly sinking. I made an incision over the temporal artery, but did not succeed in drawing blood. I then told them, they might apply mustard plasters to his arms and legs. I saw then that he would die, and that further treatment was useless. I left the house a few minutes and saw Dr. Knapp and called him.—He entered the room and saw that I had attempted to divide the artery. Dr. Knapp said he would try if he could do it; he made the attempt and succeeded in getting as much blood as filled his ear two or three times; for it ran down into his ear. He expired in about half an hour after I first saw him. I thought, when I first saw him, he would die. The engorgement of blood was very great. Mr. Bell insisted upon my endeavoring to relieve him, and was very anxious that I should bleed him. He was then holding the man's head.—I observed to Mr. Burke, that my treatment was different from his. He said I was called in to take charge. I told him it was not my case and I did not so consider it. It would have been impossible for him to have recovered if he had not been bled. I met his wife on the steps, and it was as much to satisfy her, as she appeared much distressed, that I attempted it.

Cross Examination.—Burke left the room a few minutes after Dr. Knapp came. I met Mrs. Hazelip on the stairs. There was in the room a table, some medicines on it,—and a small trundle bed. I had to unwrap the arm to get at the pulse.

We found on the examination after death, the brain, the lungs and liver engorged with blood, the lungs more than the brain, which corroborates my opinion. There was an effusion of bloody fluid through the brain. The brain and lungs in other respects appeared healthy. The heart we examined and found it in a healthy condition. The liver as I observed before, was engorged with blood. The stomach and bowels were carefully examined, and here and there we found patches of inflammation. The other organs appeared in a healthy state. The circulation is stopped by an engorgement of blood. I think this engorgement was produced by the treatment administered, taking every thing into consideration, the means used, the appearance after death, and looking at the

causes to produce that appearance. If he had been subject to intoxication, such treatment would have still more aggravated it, the tendency of steam being always to produce a great excitement of the system; this and the vomiting had a tendency to force the blood to the head. The effect of stimulants at any time is to occasion the same result. This disgorge-ment of blood on the brain must have been recent, as it could not have continued, and the man have lived. The inflammation on the bowels had the appearance of being recently produced. Steam baths are sometimes resorted to; such for instance as that used by Dr. Jennings, but I have never used one except by the application of hot bricks. His looks were of a full habit, and appeared about 27 or 28 years of age. Cayenne pepper is a strong stimulant, and is, I believe, never used as an injection, but by the advocates of this system; but I have known brandy used under particular circumstances. The summer before last when many died of drinking cold water, I used brandy, and sometimes procured relief. I never knew lobelia to be used by any, except the advocates of this system. The effect of lobelia it is said, is to act as a purgative. I have never used it, and have no knowledge of it myself. Cayenne is an active stimulant, lobelia is also. Lobelia I do consider ought not to be used by any but those who are judicious and acquainted with its effects and qualities. I consider it a dangerous article, and think it improper to be used without experience of persons of good judgment. His pulse was too feeble to be bled from the arm. Bell sent for me at first. I was examined at the coroner's inquest, which was held about 8 o'clock in the evening. I was present at that inquest. Bell and Burke both stated before the jury that they had administered lobelia and cayenne pepper, and that it had the effect they intended. They said the injection was composed of No. 6, and the composition powder. They gave what I consider large dozes, a tea spoonful of lobelia. I am not certain how much is an ordinary dose, ten or twenty grains I think, but do not know how to measure by tea spoonfuls. The cayenne pepper was given in the composition powder. The medicine produced vomiting. They have a powder, No. 6, given as an injection with lobelia also, with a nerve powder. The injection was of No. 6, and they referred to the book—the cayenne is one of the ingredients of No. 6.

I do recollect a case in which I have known Mr. Burke to have administered. At the time the cholera was raging, a

female was attacked in French alley, she was in a back room. I felt her pulse—it was laboring under cholera. Burke was treating her. It was too dark in the room for me to see much of her situation. I then left her. Burke said she recovered. I saw her on Saturday, and on Monday I met some of the members of the society, who said she was mending. I am not aware of having expressed any surprise.

I saw nothing like cholera in the case of Mr. Hazelip, there was no cramps, but there was convulsions. The lungs were slightly adhered to the chest, but that could not have produced his death. There was some disease of a chronic character, but it could not have caused his death. I consider the effect of the treatment was to aggravate these slight chronic diseases; they could not have produced his death;—and for all the effect they could have caused, he would have lived to an old age. When I first came, there was a tendency to convulsions, which I attributed to the pressure on the brain. They have a powder they use, which they call No. 6—I have seen it.

The Court then adjourned until 10 o'clock to-morrow.

Thursday Morning, 10 o'clock.

DR. COLE, *continued*—When I reached Bell's, Hazelip was lying on the bedstead, the windows in the room were all down. The patient was wrapped up in blankets. A sudden check of perspiration is likely to produce serious consequences, particularly where there has been a great excitement of the system; and a sudden check of the perspiration would be likely to produce those symptoms of congestion which I alluded to yesterday. The day was very pleasant and fine, the air was clear. The mischief was done before I entered the room. The man was sponged with cold water by Burke, while in a state of perspiration. I did not know, until they told me, before the jury of inquest, what they had done, and the treatment they had pursued. The sponge was used, while the steaming was going on. He was in a profuse perspiration when I reached there: He was sponged with cold water on the face and breast, while steaming. I attribute the symptoms to the operation of the whole treatment; from the steam and internal stimulants administered. I cannot explain why the patches of inflammation were in the bowels. If the strong stimulating medicines used, had come in contact with the bowels, they might have produced general inflammation. No one part of the stomach is more likely or pre-

disposed to inflammation than another. Neither is one part of the bowels more liable to inflammation than another. When I felt his pulse it was very feeble, and that was the reason I did not bleed, or attempt to bleed, from the arm. The redness of the face and eyes indicated congestion, and I thought it necessary to abstract blood from the artery. I could not, in his then state, adopt general bleeding. I am not acquainted with lobelia, and have never used it. I always considered it a very dangerous medicine when administered by persons not well acquainted with its effects, and I have always found other medicines to answer the same purpose. Dr. Cutler was I believe, the first one who has introduced lobelia into recent notice. It has been recommended by physicians as a specific for the asthma. I believe a distinguished physician used it upon himself, and took it in the form of a tincture, by dissolving it in spirits, and threw as much into it as the spirits would abstract. All our medical works mention lobelia, as dangerous, and I do think it a dangerous article, in unskillful hands. About ten grains of lobelia, in dry leaves, is an ordinary doze; this is sometimes increased to twenty grains. The valerian is used as a nervine. They have a powder they call No. 6. I am well acquainted with it. I am frequently subject to a nervous head ache; and, in one of my visits to a friend's house, at his request, I took a little of it to relieve my head ache, but it had not the effect. The lungs in the case of Hazelip, were more engorged than the brain. There might have been a strong predisposition to that engorgement. The tendency of the vapor bath is to excite all the vessels on the surface of the body, and unite the circulation on the surface. In this case, I discovered the brain, bowels and lungs, were affected by this steaming. It would not have a tendency to relieve congestion, if the steam was continued for a length of time. All the circumstances led us to the conclusion that he came to his death by the treatment pursued. If it were not for the testimony at the post mortem examination, by which we learned the treatment, which had been pursued, we might not have been able to come to any positive conclusion upon the subject; it was only by hearing the treatment, and, then an examination of its effects, that we came to the conclusion. When I made the attempt to open the artery, I told Bell to apply mustard plasters to his feet and arms. I then went away. I did not know any other physician had been sent for. The only change I caused in the treatment was the attempt to sever

the artery and the application of the mustard plasters. Dr. Knapp, when he came, asked for a lancet, and cut the artery. Burke was then holding the head of the patient, and also washed his face with camphor. The windows were open, and Hazelip was wrapped up in blankets. The windows were continued open during my second visit. The head of the patient was slightly elevated, but I do not recollect that a chair was placed behind him, or what was there to elevate it. There are too windows in the room. The room is a small one, and his head was about as far from the window as where I now stand to Mr. Stewart. The door was also open. Dr. Knapp was then in attendance, and I left the man thinking he must die. Mr. Moffit was the person who went for Dr. Knapp. Mr. Bell sent for me. When there is an engorgement of the blood vessels, we bleed without reference to perspiration. Mr. Burke has been practising for some time. He has on several occasions invited me to attend with him, to see his cases, and it was in consequence of this general invitation, as well as a special one, that I went to see his patient in French alley. I attended a family who had Smith and Thompson's system of medicine in their house, and were very partial to it; but they would never administer without advice. They frequently urged me to abandon the system I practice, and adopt it, alledging that if I did so, I would find it profitable. At the decease of this gentleman his books were presented to me. The common characteristic of cholera is congestion, not inflammation. I did not discover in this case any symptoms of cholera when I first went, nor did I find any on the post mortem examination. I never had an opportunity of being present at the dissection of a case of cholera. With regard to cayenne pepper, we might perhaps give 6, 8, or 10 grains; a tea spoonful is about 30 grains. I weighed it to ascertain the quantity. I would not under any circumstances give more than the 6, 8, or 10 grains more than two or three times a day. It is my deliberate opinion, formed from what I saw while in the room, as well as at the post mortem examination, that his death was occasioned from the treatment which he received. The report of the inquest was drawn up by Professor Geddings. The jury asked our opinion, and we retired to consult upon the case; our opinion was given unanimously. I know of no blank sheet being signed by the physicians. The report was signed by all the physicians present. We examined all the witnesses before the jury of inquest.

BARNET McCAYL *deposed as follows :*

I saw a man in the steam bath, did not see him after his death.—I do not know positively that it was Mr. Hazelip, but believe it was. I went there through curiosity to see a man going through the steam. Mr. Seabrooks told me that there was a man up stairs who was going through the steam. He lives with Mr. Bell. When I got up to the room, I found Mr. Burke, Mr. Bell, and Mr. Moffit there. This was about 11 o'clock. Mr. Hazelip seemed to be in a very uneasy situation from perspiration. He asked how long for God's sake he would be kept there. The reply was that it would all be over in ten or fifteen minutes; I do not suppose that I staid more than fifteen minutes; he was on the steam cot all the time I did stay. There was nothing said about Dr. Hintze being sent for. I saw them give him nothing, but saw Burke reducing the steam. The steam came very rapid. The pipe was very warm, and I was obliged in feeling it to put my handkerchief between it and my hand, and then it felt very warm. The place where I felt the pipe was about the centre, between the fire and the steam cot, and this was about five or seven minutes before I went away. They did not apply any thing more than phials to his nostrils, nor did they give him any thing while I was there. He did not ask to be released more than once. He did ask how long he would be kept, and received for answer not more than ten or fifteen minutes.

Professor GEDDINGS.—When I first saw Hazelip he was dead. I was requested by the coroner to conduct the post mortem examination. The coroner informed me that a man was treated by the Thomsonians, and that he was found dead. I found his body in the third story of Bell's house, and examined it externally, but found no marks of injury except the artery which was cut by Dr. Cole, and a slight abrasion on the instep of the right foot, not of recent origin. There was great rigidity of the body, the muscles were very rigid. On laying open the cavity of the chest the lungs were found much engorged with blood, the surface of the left lung adhered slightly to the chest; this appeared to have been of long standing, and to have had nothing to do with the recent circumstances. The heart was found perfectly healthy. The heat in the cavity was very great, more so than I was accustomed to see such a long period after death.—The same elevated temperature was found in the cavity of the abdomen. The stomach when laid open was found

to contain a dirty looking fluid, part of which was mucus, and part perhaps what had been administered. On the lining membrane of the stomach there were several patches of inflammation of considerable extent. The surface of the membrane exhibited some symptoms of disease of long standing. Some papulae which had nothing to do with the present case. The small intestines were lined with mucus. The lining membrane had also patches of inflammation in lines or streaks. There were also some points of deep colour, bloodshot appearance. The evidence of inflammation in the large intestines less manifest; their contents were considerable; they were the natural contents of the organ. Towards the lower parts called the colon of the intestines, there were several inches narrowing. This contraction I conceived of old standing, and had no connexion with the present case. The surface of the liver exhibited small white globular spots, called tubercles, varying from the size of a pin's head to that of a pea. The same tuberculous degeneration existed in the substance of the liver, the vessels were slightly congested. The other organs in the cavity of the abdomen were healthy. The appearance of the liver was that of old standing. We next examined the brain; the serous coverings of the brain was somewhat injected with blood; there was also a slight congestion of the vessels of the substance of the organ. There was a bloody fluid in the cavities of the organ, and its lower surface. After the organ was removed a considerable quantity of this fluid sunk into the cavity in which the spinal marrow is contained. This is all I am able to state relative to the post mortem examination. I have heard what Dr. Cole has stated, it is substantially the same as I should have expressed. We all concurred in the examination. There were patches of inflammation on the stomach and intestines, which appeared of recent origin. The morbid appearance of the brain and covering I conceived of recent origin. The slight congestion of the liver was also of recent origin, but taken separate from the rest, should not have considered it of much importance.

From the post mortem examination, and the testimony given before us at that time, I concluded, and it is now my opinion, he came to his death by the medicines which were administered, particularly the lobelia and the steam, which were applied at the same time. Mr. Bell, Dr. Cole, Dr. Knapp, Mr. West, and Moffit, were examined before the jury of inquest. I considered the steam and the lobelia as having

caused the most injury. I consider lobelia as a safe medicine when administered in proper doses, and with discretion. I have the same opinion with regard to the steam bath. I have seen similar appearances in death from other causes. I came to my conclusion from the post mortem examination and the testimony produced at that time. I should not have arrived, perhaps, at the same conclusion from the appearance, without taking into consideration the treatment pursued. I should have considered, from the history of the circumstances, and the evidence before us, and am decidedly of opinion he had no serious disease when he went to the steam-cot. The immediate effect of steam carried to the extent it was in this particular case, was to occasion an inordinate excitement of the system, acting as it did on the whole surface of the body, and of course effecting the whole system. The effect of this excitement would be to increase the circulation, and consequently to produce a greater flow of blood to the heart and other organs. Under these circumstances, those vessels which receive the greater quantity and flow of blood would be more likely to suffer by the extraordinary excitement. The organs are the stomach, the intestines, the liver, the lungs, the heart and the brain. The kidneys frequently suffer under similar treatment, as was followed in this case, but did not notice any particular marks in this particular case. The effect of this would be to exhaust the organs of their powers, and to give rise to inflammation in some of the structures. [By permission of the court, Dr. Geddings read extracts from Fordyce, Banks, Solander, &c., giving a history of the difference of effects between steam and dry heat.]

[After reading the extract, the Professor resumed as follows:]

The system is able to undergo a higher temperature in a dry than a moist bath. With regard to cayenne pepper, it is called a stimulant; its effects not so widely diffused as some others. The jury themselves are able to decide how large a quantity can be used with impunity; but when the system is highly excited, it is very mischievous, it is sometimes used to relieve the organs when they are languishing. A system inordinately excited would be very injuriously effected by cayenne pepper. To illustrate it, a glass of wine may be taken when in health, and enlivens the system; but in acute inflammation it would be endangering health. I consider that half a tea-spoon full to a healthy system would produce no

injury. Lobelia is an active stimulant, and a narcotic remedy. I have frequently administered it in small doses; it produces an excitement and a tingling sensation at the finger ends. In large doses, say ten or twenty grains in substance, it produces vomiting and sometimes purging. The usual dose of the tincture is from thirty drops to a half ounce—the medium dose is one drachm in tincture. I generally give it in tea-spoon full doses. If the court will again permit me, I will read for the information of the jury an extract relative to lobelia, from Barton's Medical Botany, v. 1, p. 187.

[The Dr. here read the extract, and having concluded resumed as follows:]

I consider it highly dangerous when the system is excited to administer cayenne pepper. A tea spoonful of tincture of lobelia is given, up to about half an ounce. I have seen many post mortem examinations. During the prevailing epidemic I have seen about twenty, and have seen the same redness, but a great dissimilarity as regards the fluids and the natural contents of the organs. In cholera cases, after the spasms develop themselves, the watery evacuations continue, and frequently until death. In every case of cholera I have seen, the watery evacuations have existed more or less, but spasms have not always. I have seen within 2 or 3 days a case of cholera without spasms. I have examined from 15 to 20 cases during the epidemic. The internal warmth is frequently an accompaniment of the cholera. The warmth often continues for a long time. I would not wish to be understood as endeavoring to convey the idea that the warmth I have heretofore mentioned in the cavity, proceeded from the vapor bath. I have frequently used lobelia. I never have known it from my own observation to be administered in larger doses than a tea spoon full at one time, larger doses I do consider dangerous. To all the questions we put to Mr. Burke, he made the most candid replies. I thought I could perceive that there would be an examination of the case afterwards, and told him that if he would in any way by his answers implicate himself, not to reply; he, however, was very candid, and did answer all the questions asked before the jury of inquest. He told us he had administered a tea spoon full of the powder of lobelia, and not producing the effect, lie gave a second dose not quite so large; he also stated that he had administered a heaping table spoon full as a injection. That he had given it but twice into the stomach.

He further said that he had administered the composition powder and the nerve powder. There was something said of No. 6; but do not recollect whether by Mr. Burke or some one else.

In giving lobelia or any other medicines as an injection, it requires a larger quantity, the parts being less susceptible, less highly organized, and less sympathetic relation. Generally, a double dose is given as an injection, and it always requires stimulating properties to operate the bowels in this way. When the injection operates, it would depend upon the time it had been retained; if a long while, the effect might be mischievous although discharged. If I had known nothing of this case except from the post mortem examination, I could not have said that he died of the steam or the lobelia. In Russia they go from a vapor bath into a cold room immediately with impunity. I confess, my own impression is, that it would be very dangerous here. A sudden check of perspiration is always dangerous. The check of the perspiration in this case, was brought about, but half an hour before death, time had not elapsed to produce congestion from that cause. The powder is much stronger than the tincture. Burke stated that what he was administering he did not consider fresh, and, consequently not strong. He said he frequently administered lobelia in much larger doses with good effects. I told him this did not agree with my own experience. This was my reason for asking why he administered in such large doses. Mr. Burke said he sponged the man, and that he regulated the steam. When he noticed an excitement, he sponged him about the neck, head and breast, with cold water; and this, while under a profuse perspiration; he said, that when the man became too much excited, he regulated the steam by reducing it. Burke answered all our questions with the greatest candor.

Dr. HINTZE. I saw Mr. Hazelip on Sunday evening; he desired me to prescribe for him, seemed very much excited and agitated, complained of being fatigued, and said he was afraid he would get the cholera. He said he had been riding on the rail road. He asked me if he had not better take something to prevent the cholera. I always disapproved of preventive medicines. He inquired my opinion and the propriety of his undergoing a Thomsonian course. I told him any man was a fool unless he was sick, to take medicines. He said if he took a course, he would not be liable to the cholera for the season. My reply was, perhaps if he took the course, he

would take no other disease. I examined him as to his bowels—he had undergone some fatigue. I advised him to go home and apply a feather poultice to the back of his head, and a bread and butter poultice to the inside of his stomach, and he would be well. He said his bowels were regular. I told him none but quacks administered preventive remedies. This was about 11 or 12 o'clock at night. He had been drinking. Occasionally he would take a frolic on Saturday evening. I attended his family for 4 or 5 years, and knew he was easily excited. He said he had drunk several glasses. A man easily excited would be very readily excited by any stimulant. He was of a sanguineous temperament.

Dr. POTTER. I have heard all the evidence given, and do not consider that the medicines used in this case are generally used by regular practitioners. Upon a healthy system I think there is no use of applying them. A man in health needs nothing as medicine. It is an experiment which may do much mischief, and can do no good. These remedies always produce more or less mischief in large doses. The system is not indifferent to these medicines under any circumstances. Cayenne pepper is not a poison, but when given in a state of great excitement, produces mischief; it produces increased secretions. Lobelia is sometimes introduced as a remedy for the asthma—the system then will take a large dose; in other cases, such as a liability to inflammation, if it does not act as an emetic, it does as a purgative. The hemlock is a narcotic, it has not the same effect as all narcotics. It is a poison when given in large doses. The use of warm or vapor bath is of great service, if properly regulated and used with judgment, it excites the surface, which is sometimes serviceable in the form of vapor. The system cannot continue it as long moist as dry. Dr. Jennings has tested the theory of vapor baths. I have used lobelia in asthma and affections of the lungs, and some other diseases. In a high state of excitement, it ought not to be administered.—It produces excitement by vomiting. They have stated the inflammation to be in patches in the bowels; some part of the bowels will always be affected by it when taken in large doses, if not ejected immediately. If a man understands the construction of the system upon which they are to act, and administers with care, they are safe. We have sometimes more difficulty to prevent persons taking medicines than to induce them to do it. Hemlock is a poison. I know it well—it grows three or four feet high.

Dr. COLE. I did state when I was up before, or intended to do so, that I believed cayenne pepper *was* administered.

Dr. GEDDINGS. I have no recollection of Burke saying cayenne was given in the stomach. Universal experience has proved, that when there is a predisposition to any disease, a strong excitement of the passions may lead to that result; for instance, fear or grief acting upon a system easily excited at a time when there is a predisposition to any disease, may produce *that* disease. The use of ardent spirits, acting upon a system that would be easily excited, and at such a time, might be a predisposing cause of cholera. Steam will produce spasms in the whole system. I stated that the contents of the organ only, were dissimilar to cases of cholera.

Here rested the testimony for the prosecution.

WARD SEARS deposed as follows:

A person came to my place with a roll of blankets. I have since ascertained that it was the deceased. I was then in Larrabee's store. He wanted me to take him through a course. He was purchasing medicine. I told him I did not attend to that business. I finished putting up his medicines, and he went away and said he was going through a course. I referred him to Francis Burke. Burke got medicines of me and practised in cases of cholera, and I heard he was about to adopt the practice of medicine as his regular business.

Cross Examination.—I believe he got some composition No. 6, nerve powder, cayenne pepper, and lobelia. He said he was going through a course; and I put him up as much medicine as I thought sufficient to carry him through. No. 6 is never put up in a powder, it is always a liquid. It was the same prescription I put up for him that I had done in cases of cholera. I do not practice the system myself. I keep the books and medicines for sale as agent for Thomson. I gave Mr. Hazelip the medicines but not the book.—He did not become one of the subscribers to it. He paid me for the medicine, I think, 37½ cents. I do give information more than is in the books, which is confined to the members of the association.

To the question propounded by the Attorney General, what other information is given to the subscribers to the publication of Thomson more than is contained in the book itself? the counsel for the defendant objected. After a discussion of the question before the court, the Chief Justice decided

that the question was not relevant to the case, that the investigation was not one which embraced the advantages of this system of medicine or the other system, but that it narrowed itself down to the plain language of the indictment, and to that question the whole investigation must be directed, that, therefore, he was of opinion that any question which went into the merits of the system of practice, was not relevant to this case. The Associate Judge stated, that he did not altogether agree with the opinion of his learned brother, as he thought it necessary to a correct investigation of the charge in the indictment, that an investigation should be had into the means which the party charged might have of obtaining information relative to the system which he practiced, and what that information might be which he could so obtain, but that in the present situation of the court, there being a vacancy on the bench, there was no course left him but to acquiesce in the opinion delivered by Judge Brice.

WARD SEARS continued.—I am agent for Dr. Thomson. I give no information except what is derived from the books and my own experience. Burke has been some time engaged in the practice of medicine; I think about 4 years. He has held a right under the system for 5 or 6 years. I have lived for about 5 or 6 years in Calvert street. Burke purchased the right and lived in Washington. He has been in Baltimore, I believe, about 4 years. I never saw him in Washington, never having visited it while he was there. He did not always follow the practice, but did occasionally.—From what I know and have heard of him, I consider him very skilful and competent to practice medicine. I never was present in any one instance that he administered prior to the late epidemic. Burke is a printer by trade.

Dr. JANNEY. I have practiced medicine about 5 years in Virginia, but not very extensively. I was studying 15 or 20 years with my father. He was not a regular practicing physician, but kept an apothecary, and never practiced for pay. I practiced for two years without pay, and my neighbors anxious I should practice medicine, and not being able to do it gratuitously, I commenced it regularly. I have turned my attention a good deal to Thomson's medicines since I got his book, and I have examined all the medical authorities to ascertain the effect of his medicines before I would consent to use them. I took it myself first to try its effects. I took five tea spoons full at different times in powder, and during the same day before it puked me. I have frequently

taken it, always one tea spoon full at a time, this being about 16 grains—I have never taken more at a time; but I repeat it till it operates. I have used lobelia frequently upon others during the last 2 years, commencing with 16 grains and waiting about 50 minutes, and then repeat the dose, but lessen the quantity, and continue it in this way until it operates.—Up to the time I have mentioned, my medicines were of the kinds usual with medical men. From the experience of my father, and my own experience and the knowledge which I have obtained of lobelia, I should certainly say it was not a poison. I always use it when I want to cleanse the stomach. I have used the tincture of lobelia about two tea spoons full as an injection; sometimes less, sometimes more for injections. If I wish to reduce a fever, I give it in small quantities to produce perspiration; a greater quantity produces an emetic. I give sometimes a fourth of a grain of tartar emetic for that purpose and to produce perspiration, and mix with it some ipecacuanha. I have employed lobelia as an injection with tea made of bay bark. I have never lived in Baltimore. Heinlock is not a poison as has been stated here, but it is perfectly harmless. It is taken from the bark of the pine tree, and is not poison. These medicines can do no harm in any case or under any circumstances, they sometimes may do no good.

Cross Examination.—I practiced for five years under the old system of medicine, and for nearly two years I have practiced the Thomsonian system. I was not made a convert by reading Thomson's book. The book induced me to examine and try the medicines, and I have, since I have ascertained their effects practiced the principles the book contains. I frequently use other medicines. I associate them with the others—and the more I have used Thomson's medicines, the better I am satisfied of their efficacy. I believe they are not injurious in any disease, in many they certainly are beneficial. I believe a man has a natural gift to ascertain the things of nature. I believe that life is heat and that blood is heat, and that blood and heat are synonymous as regards the animal system. I believe that all constitutions are naturally alike. I also believe that a fever is an effort of nature to relieve itself of disease, and that such efforts may sometimes be carried too far, and to too great an extent. I do not think that all constitutions are alike in every particular, but that there are diversities and degrees in the constitutions of men. I do believe that medicines adapted to the

cure of all diseases grow spontaneously upon our soil, but that the discoveries of men have not yet found them out. I think men possess natural gifts to examine the things of nature; that is, that a man possesses a natural talent for some particular business—some, for instance, having a partiality for mechanical pursuits: others, for other kinds of business, this I call strength of mind, and this I call natural gifts. I believe all constitutions are dependent upon heat and blood for life; and that the life is the constitution of man, healthy action and diseased action forming the two constitutions.—I believe that all diseases of the human family, are caused by the morbid circulation of the blood. To ascertain this, some judgment is required; and this we ascertain by the pulse. Twelve months is generally necessary to acquire a knowledge of the pulse. Some men can obtain this knowledge sooner than others; some in three months, some in twelve months. Students of medicine ordinarily, in about six months. I believe that nature never furnishes more blood than is necessary, and required for health. I frequently have used the steam bath. I have carried persons through a course of Thomson's system; generally, we keep them under the effects of the steam for ten minutes. I have been myself under the effects of steam for thirty minutes. It was when I had the bilious fever. I took the lobelia and applied steam, with bricks and water poured over them while they were hot, and immediately had blankets wrapped round me. I am sure it cured me without having recourse to any other remedy—and I am also satisfied that I had the bilious fever. I have frequently used blisters, but I now think they are much oftener used than is necessary, and that it is a torture which ought not to be so generally adopted. I think fevers all have one common cause, that they arise from a mucus lining the stomach, which cuts off and stops the supply which feeds the blood. The effect of this mucus is, to stop this supply. Blood, I consider, is life, and heat is life. I have never studied anatomy except slightly, and I have never had the advantage of attending any dissection.

The court adjourned till 10 o'clock to-morrow.

EPHRAIM LARRABEE deposed as follows :

I never was acquainted with Mr. Hazelip. I never saw him that I recollect of before the morning of his death, when he called at my store to purchase medicines. This was about 9 o'clock. He came in, and walked up and complained to me of great pain and pressure in the stomach. This was on

the morning of the day on which he died. He expressed a great deal of fear that he was going to have the cholera, and that he was then taking the disease, and said his bowels had been and were then much out of order. I confess I was greatly surprised at his maunder, and that he should have addressed himself to me, but could only account for it from his mistaking me for Mr. Sears. I certainly thought he was not right from his manner, or that he had been upon a spree. I wanted to get rid of him, judging from his appearance that he was an intemperate man. I was, as I said, very much surprised that he should address himself to me. At this time Mr. Sears came in, and I gave him up to Mr. Sears, whom he then appeared to recognize. He told Mr. Sears he wanted him to take him through a course of medicine, and said he thought he was getting the cholera. Mr. Sears declined doing so, and told him he did not practice the system, but recommended him to go to Mr. Burke. He went away, and a few hours after I heard that he was undergoing a steaming. I understood they had sent for several physicians. It was about 9 o'clock when he came to my store. If I were to give an opinion of Hazelip when at my house, I should say he was either a very sick man, or that he was labouring under great apprehension of having the cholera. His whole appearance was that of a man under great excitement. He complained of his bowels being out of order for some time. I expressed my surprise that he should have come up to me in the manner he did. Some one said he had been on a frolic, and his appearance justified such a belief; he was also certainly very much excited and alarmed. Mr. Sears had great difficulty in getting rid of him. Hazelip wanted me before Mr. Sears came in, to give him medicine, but I refused. I saw Mr. Sears go to the scales, and weigh out the medicines for him. At this time the cholera was raging, and nearly at its height, in Baltimore. This was, I believe, the 17th of September. I have known Burke for some time, and consider him very skilful in his practice; so much so, that I would trust myself into his charge in preference to any other physician. I knew of a case which was called cholera in French alley, a woman named Caroline Ruark. She was very ill, I should judge, from what Dr. Cole told me, and he said he had seen her. I recollect it very well. It was before the case of Hazelip. One of the first cases which occurred in French alley. The Board of Health were there at the time this case occurred. There was another case in the same place, a Mr. Nash, who is now

in the penitentiary. These occurred on Sunday morning. Burke attended these cases, and was assisted by several others. I was laboring under a severe diarrhoea, and being much debilitated, could not go into the house to assist them, thinking it imprudent to expose myself in the condition I then was. On Sunday morning, I recollect the circumstances very well, I was sitting at my door at the corner of Cheapside and Water streets, when Dr. Cole came by, and in a familiar way, as we had frequently spoken together of the cases in French alley, asked me how Caroline Ruark's case came on, with the expression, "I mean is she alive?" I told him she was not only alive, but that there were great hopes of her. He replied, "You cannot save her; the diarrhoea has progressed so far that you cannot check it, and without that you cannot save her; she must die." I went back and got some powder, and Mr. Burke will recollect my taking it to him. Burke administered in this case; he was the one that had charge of it. I did not see her; as I said before, I was very much debilitated, too much so to go in. I went to the house, but did not see the patient. I know the woman is now alive, although Dr. Cole then told me she could not be saved. He also stated to me that Michl. Jenkins, who was then sick, would get well. Michl. Jenkins died, and this woman did get well. I went to get the powder, and recommended it, because Dr. Cole had stated to me that the diarrhoea could not be checked. I went to see Mr. Burke, and gave it to him, and recommended it. The Board of Health were all there, with the exception of professor Jameson. I frequently have recommended hemlock powder. I never saw the woman I have been speaking of until she was pronounced out of danger. I knew she was alive after this, in consequence of a man named Jenkins having orders to take up all such persons in that place, and his having seen her there. Dr. Swartze was also there, I believe, at the time this woman had the cholera.

FRANCIS BURKE, Junr.

Mr. Hazelip on the morning of the day on which he died, called three or four times between half past 9 and 10 o'clock, and solicited father to administer to him his own medicines. He had been there before I saw him, and I understood had said that Mr. Bell had offered his cot for him to go through a steaming. He said he had his own medicines which he had purchased himself, and was very anxious to have them administered. The second time I saw him call, father was

up stairs, and he dropped what he had and went with him. The first time Hazelip called was before I had got up.

HENRY SUMWALT:

I saw Hazelip at the time he was going through the steaming. On Monday, which was the day of his death, I was passing by Bell's house, and saw a crowd, and understood a patient was there under treatment for the cholera. I went in, and found him in a profuse perspiration. Bell and Burke were both there, and the patient was on the steam cot. I asked Bell what had caused the cry I had heard of. Bell answered and told me that Hazelip had very violent spasms. I asked Hazelip how he then was; he replied that he was then very much relieved. He was yet somewhat restless. There was some other conversation passed, which I do not recollect. I soon after went away. Burke and Bell seemed while I was there, both of them, to be very attentive to the patient, who said he was somewhat easier. My enquiries of Bell relative to the cry I had heard of, and the occasion of it, were made in the hearing of Hazelip and within a few feet of the steam cot.

Cross Examination.—I was in the room about fifteen minutes, I should judge, and it was about 10 or 11 o'clock. I cannot be positive as to the exact time. They gave him nothing while I was there; they applied some salts to his nostrils. I presume they had given him a clyster, but do not know positively. I did not see them give it, but I should judge they did from seeing the apparatus, which was lying on the floor, near the fire place. I think Bell told me that they had given him an injection, but am sure he did not tell me of what it was composed. I did not hear the cries myself, but there was a crowd collected round the house, and it was from them that I had heard of the cries.

MR. SAGE:

I saw Mr. Hazelip on Monday, which was the day that he died. I saw him about as near as I can recollect half past 11 o'clock. I went there with Mr. Sumwalt, staid there with him, and we came away together. All the time I staid there, Mr. Burke and Mr. Bell appeared very affectionate, attentive and kind to their patient. I believe he was asked how he felt, and replied that he felt much easier. Complained, however, of spasms in his legs; this was when the steam was off; when the steam was on, and he was under the effects of it, he said he was easier. I remained there from a half to one hour.

Cross Examination.—There was nothing given him while I was there that I saw, except a little water gruel. He did not vomit, nor had he any passages while I staid. It was about half past 10 o'clock. I do not know that they gave him an injection, as I did not see it while I was there. I went in with Mr. Sumwalt and came away with him. I should think we were there near half an hour. When we first went from the store into the house there was nobody in the room but Mr. Burke and Mr. Bell. Sometime after, two or three individuals came in. I do not know who they were. Mr. Sumwalt spoke several times to Mr. Hazelip, and I also spoke to him. I do not know who was there. He complained a good deal of spasms in the legs. He was covered with blankets, laid over, I believe, as commonly, and not wrapped round him. When he complained of the steam it was immediately stopped off by a stop-cock, which was attached to the pipe for that purpose, and which checked the progress of the steam. It was regulated several times, and was stopped at one time eight or ten ininutes. It was frequently checked while we were there; and whenever he complained of the steam being too severe, it was stopped by the cock. When it was stopped off, and the patient got colder, the spasms caine on, and the steam was then let on, as he said he felt easier. The size of the cot was about eight feet in length and three in breadth, and set on the floor. On the top was a sacking-bottom. I did not see any plank on the sacking-bottom. He was covered entirely with blankets. While I was there, for the greater part of the time, Messrs. Sumwalt, Bell and Burke, were all that were present. The steam-pipe was entered under the box, and within about one foot of the end. It was a small tin pipe, perhaps two inches in circumference. I did not see any force used to continue him on the steam-cot, nor do I believe there was any used while I was there. He was persuaded as any other physician would. He was not confined upon the cot, but seemed at liberty to go whenever he pleased, no force being used to compel him to stay on it. He did not desire, while I was there, to be let off. I did not hear, to the best of my recollection, any one ask to send for a physician. The steam was always reduced when he complained of its being too hot. They did tell him, that if he could stand it he would be better; if not, they would let off the steam; but no force was used. Burke observed while I was

there, that it was childish to complain of the oppression of the steam, for if it was let off he would immediately have spasms.

ABNER POPE deposed as follows

I was present at the house of Bell. I was coming up Second street, and when nearly opposite to Bell's house, I heard a distressing groan. I remarked to Major Stansbury, who was with me, that that was a cholera groan, and told him that as the cry seemed to proceed from Bell's house, the patient was over there. We finding no obstruction immediately went up stairs, and as soon as I got into the room, I remarked that there was a Thomsonian there. I saw a gentleman on the steam-cot. He complained of violent cramps in the arms and legs. I gave him a roll of brimstone to clench in his hand, as I had heard that it had proved of service in cases of cramps, and I mostly carried a piece with me for that purpose; but I do not know whether it was any virtue in the brimstone itself, or whether it is merely the act of grasping something in the hand, that proves of service, but I know it has proved serviceable in cramps. He asked for another piece; but as I had but one, I sent out for another. He wanted it to clench in the other hand. It was soon procured and given to him, and he soon said he was better, and that they, or something else, relieved him very much. There was given him some composition tea, and he was hugged up in blankets, which produced a pretty good action of perspiration. We were then about going, and he said, "Pray, gentlemen, don't leave me." I remained, and told him I thought he was in a very good way, and that he was in good hands. I heard the groans in the street from the third story of the house, and immediately said, "There is a cholera groan." A cholera groan is one of great distress, a piercing cry, the groan of one in great pain. I have seen many afflicted with cholera, or what was called cholera, previous to this case. The symptoms were similar in this as in other cases of cholera. I had but one piece of brimstone, and carried it with me to try its efficacy in cases of cramps, but for no other purpose. I sent out to get the other piece so that he might clench one piece in each hand. I recommended him to clench it, as I had often heard that brimstone used in that way would remove cramps. He was exceedingly alarmed, and to my mind, frightened, and said, "Pray, gentlemen, don't leave me." The brimstone was

simply held in the hand; a roll of it about four inches long. I had heard from those to whom I had recommended it to be tried in this way, that it had proved serviceable. I never tried any thing in this way except brimstone, in order to prove whether any other hard substance clenched in the hand would remove cramps, and do not know whether it would or not. My impression was, and always has been, that it is the brimstone which has this effect. I gave it to him in one hand, and sent and got the other, which was also given to him. After this, he covered himself up in blankets, and no person took it from him that I saw. I examined the man while he was on the steam-cot. He then complained of cramps; his face was a little flushed. I did not remark his eyes. The flushed face is not always an accompaniment of the cholera until after steaming. He said that he had cramps. I do not know it, except from his assertion, that he had violent cramps, and I should judge that they were violent from hearing the cry in the street. I do not positively know that the cry proceeded from Hazelip, but believe it did, as I knew it was some one who had the cholera. There were spasms. He shook; whether from fright, cholera or spasms. I do know he was much alarmed. When I went into the room, his arms were not covered; they were placing blankets around him, and gave him a little composition. There was no discharge from the bowels while I remained. I cannot explain exactly how I can distinguish a cholera groan. It is a groan of great distress, and I was sure the groan I heard proceeded from some one laboring under the cholera. I am no professor, only in my own family, where I make use of Thomson's medicine entirely, and no consideration should deprive me of it. It has always answered the purpose I intended it should. I did not feel Hazelip's pulse while I was there. I took hold of his arms. I use the Thomsonian medicines myself. I took a little nerve powder this morning, expecting a keel hauling from what I had seen Dr. Cole undergo when he was called up. I own a right, and am a member of the Friendly Botanical Society. One of the provisions of becoming a member, is, that we are bound to give all important information to others who may purchase the rights, and may become members of the society. There is some other information more that is obtained from Thomson's book, which we are bound to communicate to each other, but which I do not feel at liberty to tell here.

The Attorney General here insisted that the witness should be directed to declare what this information of importance which the members profess to communicate to each other was. He stated that the publication of Thomson shows upon its face, that there is other important information connected with the practice of this system; and to obtain which, he refers those who purchase the book to some other source. Now it is necessary to a correct understanding of this question, that the court and jury should understand the nature of the information, and the object in referring to another source to obtain it, instead of the book itself. That this was important to be known in this case, to decide how far these men are practising a system which the knowledge they have of it proves to them is pernicious in its effects, and that this information should be communicated to us to enable us to understand the tendency of the administration of the system of practice which we are now investigating.

The Court stated that it was anxious that the case now before them should be understood as not an investigation of any system of medicine. Some latitude had been allowed in the investigation, but it was only by consent of the parties; but when an objection was raised to the question, the court was bound to say it did not consider the question as relevant to the case. If the investigation was to be allowed to proceed, and the discussion of the different systems of practice pursued, were permitted, there is no knowing where the case would stop; it would never be terminated. The court had seen that different professors and different schools of medicine differ upon questions of practice in this room, and who should decide between them? We are not competent to say whether Thomson's system is better than the old, or whether the old is better than Thomson's. This is a matter which the court cannot decide, and we are sure the jury cannot. And we would ask, what is quackery? We are sure that we are unable to decide what it is. Altogether, the question must come to the language of the indictment, which is specific, and to these specific charges the investigation must be limited. The testimony, therefore, proposed to be produced, is not relevant to the case.

MR. POPE continued :

There are privileges attached to the membership of the Friendly Botanic Society, which I do not feel at liberty to state. I have understood that Burke holds one of these rights. It bears date, I think, the 17th of April, 1827. I

have gone through a course of medicine myself on the Thomsonian system. First I took composition ; then I took composition again. The third remedy is sometimes an injection. Lobelia comes next, cayenne pepper comes next ; next in order we throw it up. Sometimes we take a good drink of anti-canker tea, next about half a pint of good porridge. The porridge won't come up. Then we take a little more composition, number 6, or cayenne, at discretion. Then take a little more porridge. I make mine of corn gruel, and use with it a little molasses. Then we throw up again, but the porridge won't come up. But we must go back ; I forgot the steam. We take the steam before the emetic. This is my experience and practice, and generally after the injection. Injections always operate. We always steam before the emetic. We apply the steam before we empty the stomach. We take the emetic to cleanse the stomach. What we call cancer is a mucus substance, which comes from the stomach. We apply the steam from five to twenty-five minutes. I have applied it that long on myself, but never have taken it longer. I have taken it when I was slightly unwell. I have gone through a regular course when I have been slightly unwell. I have never had a very severe attack since I have been in possession of a right. The certificate is dated 27th March, 1830, and I have never had any severe sickness since I have taken these medicines. The first time I was very ill was in 1819. I had the yellow fever. The next severe attack I had was in going to the western country. I think in the year 1825. I have never been very sick since. I have been very well since 1830. I have had no serious spell since, but have been frequently slightly sick, and have made use of these medicines. Whenever I have felt unwell, I have taken Thomson's medicines, and they have proved always beneficial. I have had better health since than I ever had before. I had for several years what they call the consumption, and it is to Thomson's medicines I attribute my present health.

ELIJAH STANSBURY, Jr.

I was with Mr. Pope on his visit to Bell's ; we went there together. Mr. Pope called at my house, and we came up ; and in going up Second street, heard some moaning. Pope remarked it must be a cholera patient. I do not know which proposed to go in. Pope appeared to be acquainted with the cholera groans. We walked up stairs, and found a man on the steam-cot, undergoing the Thomsonian treatment. He complained very much of spasms and cramps in his arms and

legs. Bell only was present when we first went in. Burke was not present. Bell was rubbing his arms with number 6, for the purpose of allaying the spasms. I expressed my opinion that the current of air in the room would do more harm than the rubbing would do good. His arms were exposed as far as his elbows. The steam was introduced at his feet. Mr. Pope pulled out of his pocket a roll of brimstone, and put it into Hazelip's hand; he seemed too warm. I examined his feet, and thought it was warmer than was necessary. I advised Bell to reduce the steam, and he did so by turning it off. We remained about fifteen minutes. He complained of pains in his arms and legs for five or six minutes, and then seemed relieved, and ceased complaining. After this Burke came in, and said he had been after medicine. He then gave a dose of composition, and in a few minutes he was considerably easier, and not in so much pain. I have seen cases of cholera during the epidemic in this city. I was called to, I think, eight cases. I thought them cases of cholera. Other persons thought so, and expressed their opinion that they were cases of cholera. I was unwilling to risk my own judgment. I called on Mr. Myers and Mr. Williams, whom I had known frequently to have practiced in cases of cholera, and with great success. I would say unhesitatingly, that the exhibition and symptoms of the case of Hazelip, and those I have attended, had a striking similarity; they had all cramps, and were measurably the same. I generally took such persons as I undertook, through a whole course, but not all. I never applied steam to the system generally, except by means of the application of hot bricks to the body and feet. I never had an opportunity of using the steam-bath. When I have applied the steam, I have continued it until the spasms were removed. I have sometimes been obliged to continue it for four hours at a time. I give the composition first. I have had a right about three months; not before the epidemic. I commenced in consequence of the illness of my wife. Myself and Mr. Williams attended her. Cramps and spasms were what I judged the cholera by. I have found the tongue very cold. Hazelip's pulse was fuller and quicker than I generally found it.

ROGER BROOKE. I have used no other medicines in my family for two years than the Thomsonian medicines, and have also given them to some of my neighbors and friends who have urged me to do so. The plant lobelia,

which has been so often spoken of, I have known from my boyhood under the name of eyebright, a name given to it for its great virtues in curing inflammation of the eyes. It has proved very effectual in curing diseases of the eye, and I have known it to be applied after all the remedies recommended by the regular physicians have failed, and to succeed. I have known one application of the green plant to prove effectual in cases of the most violent inflammation of the eyes. I have reason to believe that our standard writers who have treated of lobelia, have labored under a great mistake. Dr. Waterhouse and others who have treated of it seem to have confounded it with another plant. The *lobelia inflata* is not poisonous, as many have described it. Cattle will eat it at all times; but the *lobelia cardinalis* spoken of by Dr. Bigelow, I have never known cattle to browse upon. These two they have confounded together; when they are very different plants, and their effects are entirely different. I have never known a plant of the *lobelia cardinalis* to be browsed upon—this is the plant which Dr. Bigelow has described.—

I have taken lobelia myself several times, and I have frequently administered it with success to others. In a case of hemorrhage of the lungs of one of my neighbors who had been under a course for years of the usual remedies, and at last determined not again to apply for medical aid. I was solicited to administer, and I felt the responsibility of the case. Having read Dr. Waterhouse and the defence of Thomson, and having confidence in him, I was induced to try them, and checked it in less than three hours. The patient got up, eat hartier than I did, and used active exercise, and is now in good health. He was as white as the wall. He stated that he discharged more the last time than at any previous time. I thought that if I could equalize the circulation, I might succeed. Some medical gentleman said it would stop itself. They then tried to persuade him, there was in a large one, less danger than in a small one. I did not use lobelia in this case—I used cayenne, No. 6, composition powder, ginger tea and steam. This stopped the hemorrhage. My object was to get the circulation equalized. It was about 9 o'clock that I was sent for—the blood continued to discharge for some time—It was checked before 12 o'clock. It returned, however, and continued to discharge, and appeared as if he was puking it up. It was blood from the lungs, I have no doubt. The blood was florid, or light colored.

I have never had reason to suppose any injury to result from the use of lobelia. I have taken antimonial wine, tar-

tar emetic and ipecacuanha as an emetic, but I consider that lobelia is much the easiest medicine to effect that object. It relieves the stomach without any of the nauseating feeling which the others produce. The doses of lobelia are generally a tea spoon full at a dose of the powder, and to be repeated in 10 or 15 minutes. I have taken myself three doses; and repeated them in that time sometimes as high as 7 tea spoons full. It sometimes operates on me the first or second tea spoon full. I believe it is of importance to have it fresh. I have used cayenne pepper in my own case, and always carry a bottle of it with me. I am subject to depression of spirits, and find it necessary to have it with me—if I take a little of it in the morning, it causes a glow over the whole system, I feel exhilarated and enlivened for the whole day. I have a cold and dyspeptic stomach, and find it serviceable to take a little cayenne. In case of violent pains, a half a tea spoon full will afford relief. One of my neighbors was taken violently with spasmodic cholera, and sent for me to administer relief. I sent my son with directions to give half a tea spoon full, to observe its effects, and if it was borne well, to repeat it. The person was in violent pain; the husband was so frightened that he could render no assistance, and the full tea spoon full was given in mistake.—The consequence was, she was relieved, and soon well. I have found cayenne pepper the most permanent, powerful and purest stimulant known. Other stimulants shatter the nerves. When I had typhus fever, my physicians gave me brandy. Brandy is not so good as cayenne in such cases. This I have learned, as well from my own experience as from the medical authorities.—I have studied the nature, and consulted authors on the subject of cayenne. Rees' Cyclopaedia has an article on it. A gentleman lately read authorities to guard me against using it, and attempted to satisfy me that it had injurious effects. Dr. Wright also represents it as being very effective in some fevers which prevail when no other medicines can have the same effect. A work by Dr. Wright, of Barbadoes, treats of the good effects of cayenne in some particular diseases. I never had the smallest reason to suppose it has done any injury.

More than twenty persons have reported to me the good effects they have experienced from the use of cayenne pepper, and many of them have declared that they would not use any other medicines except in extreme cases. I drop a little cayenne in a glass of water, and take it in that way for the dyspepsia, and think it very valuable for that, as well as

other diseases. Dr. Bigelow has described *lobelia cardinalis* as with a bright red blossom, and growing along the margins of streams of water.

Hemlock is not poisonous. It is a tree nearly resembling pine or spruce with leaves like the spruce, but it certainly is not poisonous as my own experience has fully proved, as well as others whom I have known to have used it without any fear of its effects. I freely use it, and my family also use it.

Nerve powder has been recommended by several eminent persons, as valuable in some diseases, and it is frequently used by persons who have habituated themselves to the use of opium and laudanum. To some that I have recommended it, they have said they were much obliged to me for suggesting it, as it had the effect to quiet their nerves without having the same stupifying effect that opium has. This I have found from what I have tried myself.

Composition powder I also use freely, without any apprehension of its consequences, and with the same good effect. I took some of it this morning. It has also an enlivening effect, and tends to warm the stomach, to use the expression which has been so often hinted at here, it keeps the internal above the external heat.

Canker I understand to be synonymous with, and the same as what is called acrid humor, or in other words the principle which produces the decay and decomposition of plants. Dr. Mitchell terms it the principle of decay. Children have often what is termed the canker rash which relieves them by its eruption. I have never known the medicines which I have mentioned to prove injurious, but invariably the contrary. I have applied them in the greatest variety of diseases, such as violent cases of dysentery accompanied with violent pains, so much so as to render the patient refractory. I have also used them with advantage in cases of bloody flux. I have had a patient that had been under treatment for more than a week, by two physicians who were near me. I gave him some of the composition and some no 3; and, lastly, some of the lobelia. He had the scarlet fever, accompanied with an inflammation of the breast. By the use of these remedies he was relieved in an hour. I never administered the vapor bath without the patient expressing the greatest satisfaction. Although the patient, when about to commence the steam application, was suffering violent pain—they have always stated that while under its effects, they were entirely free from pain. In the first stage of a cold, a little stimu-

lating medicine and the application of the vapor bath prove of great use—the only danger is in coming out of the bath, which requires great care. I am generally governed by the feelings of the patient, as to the length of time I continue the application of steam—as soon as complaint is made of its being oppressive, I would desist. While the operation of the steam is going on, I always have prepared some warm stimulating medicines to be administered at the same time, and I have always heard the patients express themselves as being entirely clear of pain while in the bath. I also consider the vapor bath as beneficial in cases of chronic pains, and have seen the good effects of it. I produce the vapor which I use for this purpose, by putting hot stones in water, which is the same in principle as the steam bath. I have not the same conveniences for a steam bath as some others, and make use of this simple plan as a substitute, and find it answers the same good purpose. I always regulate the steam by the feelings of the patient. Some years ago I had an opportunity of seeing Dr. Jennings' vapor bath; but I consider its application as entirely different from Thomson's bath. It produces very much the same feelings as going into a stove room. It wants moisture, and without this I consider much of its good effect is lost. I never had one patient who underwent the operation of the vapor bath, but what expressed pleasure in it. At first, the patient is a little uncomfortable, not being able to breathe freely, but after continuing a few moments, it produces a very pleasant, soothing sensation. I took Thomson's directions, and continued the steam generally 15 or 20 minutes, but always had reference to the feelings of the patients—sometimes they wished it to be continued longer, and I have done so without experiencing any injurious effects. I used the vapor bath and the medicines at the same time. In burns, frost-bites and chilblains, I have used them with much satisfaction. I have used the vapor with bricks, to patients who have been so ill as not to be able to set up, by heating them and pouring water over them, and then wrapping them up in blankets; and I have sometimes kept them under the influence of this steam all night, for the purpose of keeping up the perspiration, or to use one of Thomson's homely phrases, until we obtain a heat that will hold. Sometimes I have seen patients so low as not to be able to speak, come out relieved. I consider the system of Thomson as very much adapted to the cure of all forms of diseases. I have had a great deal of ill health, and have had the

practice of 10 or 12 physicians, and have often been bled without relief; and as far as I have tried it, consider it injurious.

I have actually tried these medicines in a variety of diseases, some of them contradictory in their nature, some inflammatory, some the reverse, and I have relieved them in the course of a few hours, and have always found these medicines to have their desired effects. I consider them as innocent, warm and comforting to the stomach. According to my simple opinion, the stomach is invigorated by the application of Thomson's medicines. I consider the derangement of the stomach as the cause nearly of all disease. I consider that when you have applied warmth and energy to the stomach, the functions are more likely to be performed. I have found warm liquids always pernicious to weak stomachs, but the application of cayenne affords energy to the stomach, and thereby imparts energy and warmth to the whole system. I endeavor to apply Thomson's principles as far as I understand them, the object of which is to get up the vital heat of the system. And to give the bath before the emetic, as you by that means prepare the emetic to operate with more ease. I believe in the inward and outward heat spoken of by Thomson, and that if you deprive the stomach of its warmth you deprive it of so much of its power of action, and disturb the whole system. The outward heat is that which appears on the surface of the body; the inward heat is that which is contained in the stomach. So that we have two heats, inward and outward. The principle upon which Thomson acts, and which I believe to be a reasonable doctrine, and seems to agree with common sense, is to keep the internal above the external heat, that is above the heat of the atmosphere; to keep the fountain above the stream. I did not adopt the system of Thomson without reflection and examination, and the more I have reflected upon and examined it, the better I am satisfied with it. I have learned in a very severe school. I have gained much of my information upon these subjects from my own experience. I am now 58 years old, and have had much sickness, and some very violent attacks. So that it was not merely from reading that I have adopted it, but also from the actual experiment of their beneficial effects. Rees in his *Cyclopaedia*, which I consider good authority upon most subjects, gives the opinion of some celebrated medical writers, which serves to support and corroborate this system. I have read Dr. Waterhouse. He did not consider Thomson so illiterate that he could not pro-

perly explain his views, and illustrate so as to render them intelligible. The principles of Thomson's system is, that heat is life, and that cold is death. That there is a constant warfare kept up in the system between these two principles of heat and death. And that in all cases of death, it is because cold has prevailed. This is the principle of this system, and going upon this impression, it is, that the medicines are applied.

I have suffered very much from rheumatism, and have tried many remedies;—have used mustard seed, and almost every thing that has ever been used for the rheumatism, until I became so bad that I could not ride on horseback at all. When I became acquainted with Thomson's medicines, I used them and always found relief in a few hours. The difference between mustard seed and cayenne pepper is this, that the mustard seed are volatile, and that the cayenne pepper is permanent. All volatile remedies are injurious; they have a tendency to derange the nervous system. Cayenne instead of deranging it, strengthens and supports it. Brandy is volatile in its effects, but after the excitement which has been but temporary, has passed off, it leaves the subject more depressed than before. I have used brandy in disease, and it has injured me. If I take a dose of cayenne in the morning it is permanent—it lasts all day. It produces a liveliness of spirits, a warmth and glow over the whole system which continues through the day. I frequently take it in the morning to produce this effect, knowing that it is harmless in its nature.

The first time I took lobelia it was fifteen minutes before it acted. Physicians in my neighborhood think it too inert; my own experience, as well as all the information I have been able to collect relative to it, proves it to be the contrary.

Lobelia I never used to act as a cathartic. Thomson says that in a practice of thirty years, he never knew it to act in that manner, and this agrees with my own experience. I never knew, much as I have used it, that when it was taken into the stomach that it has produced that effect. I never gave an injection of it, nor have I ever given an injection of cayenne. That is an operation I have never performed myself. I have given directions upon the subject, and referred the nurse to Thomson's book for further advice, and have known it to have been done, but never performed it myself. Cayenne pepper I consider one of the most permanent stimulants that can be had. The steam bath will afford warmth to the system, when on the point of an ague, and has a tendency to restore the warmth to the surface—but I doubt very

much its being highly stimulant. I look upon it as acting directly contrary, producing perspiration which causes for the time a debility and relaxation of the system, consequently it cannot be said to possess the stimulating properties which the cayenne possesses. The internal vigor of the system sends the blood to the surface. I think the vapor bath relaxes the system. It causes the volume of the pulse to be much enlarged. The volume but not its quickness.—The blood flows from the heart, but as to explain its operation or the general action of the human system, I do not pretend to do it. My reading has not been very extensive. I have tried to be a practical man, and am better able to give facts than theories. I have an opinion upon all subjects which come before me, some of them may be taken up falsely, but I still have an opinion of my own; but if I were to attempt to express that opinion, I might only display my ignorance. I consider that the steam bath removes many obstructions in the system by directing the circulation to the surface. I don't think I am able to define all that acts upon the system as stimulants. I have always found by my own experience, and the knowledge I have found from other sources, has sustained me in the belief that the vapor bath has a relaxing tendency, and its effect is to drive the blood to the surface of the body, and that it causes an increase in the volume of the pulse. In the administration of the steam bath, I have always been governed by circumstances and feelings. I consider lobelia to be rather stimulating. It has a tendency to loosen the phlegm; it imparts a warmth over the whole body; it produces nausea, and the effect of this is, that it is likely to cause the person to break out into a perspiration. Lobelia I have no doubt stimulates. And I think I may safely say so, not only from my own experience of its effects but from the authority of others, who have used it extensively and have given this as its character. The first case in which I used Thomson's medicines was a case of intermittent fever, which was relieved by their application.

The second case was a swelled mouth, occasioned from a violent cold. In this they had also a happy effect. I have repeatedly used them since in rheumatism, scarlet fever, quincy, inflammation of the breast from cold, dysentery, cholera morbus, cramp cholic, and for aught I know, spasmodic cholera (we used to call it cramp cholic), and all the premonitory symptoms, such as disorder of the bowels.

I would ask leave to state one matter in justice to myself. It has been stated that there was some sort of pledge of

secrecy on the part of those who practice the Thomsonian system, or that they obtained by some means information which was not to be revealed to any one but who also practiced the system. I wish it to be distinctly understood that I know of no such information as has been alluded to, and I have felt it due to myself to make this statement, as I consider it a sort of imputation upon my character that I should be connected with any secret association. I know of none. I look upon the matter alluded to by Thomson in his book where he refers to his agents for information, not contained in it, merely to allude to the fact that he was so illiterate and unacquainted with the terms used in midwifery, that if he undertook to give directions upon that subject, it would be done in such language as would be unfit to be published; that therefore he thought it most advisable to refer to his agents for the information upon this subject. I considered that it referred to midwifery alone.

MRS. LYDIA PETERS :

I think it was last spring three years that Mr. Burke attended me. I had been long and severely indisposed. I think for fifteen months. Dr. Thos. L. Murphy came to see me several times. Dr. Murphy said he could do nothing more than he had done. This he also told my mother. He brought another doctor with him. I do not know what he said to my mother, but they were discharged. I think his name was Smith. I do not know whether it was professor Smith or not. He was a small man; do not know whether he wore spectacles. Burke was sent for after they were discharged. I had been confined to my bed part of the time, and part I was able to be about the house; but did not go out. I experienced no relief from the treatment of Dr. Murphy. I consider that I was entirely cured by Mr. Burke. I experienced great relief immediately upon the application of his remedies. My father and mother both attributed my cure to the skill and attention of Mr. Burke. In about six or seven weeks from the time he first came, I was entirely relieved, and have continued in good health ever since. Mr. Burke manifested during the whole time he attended me, the greatest kindness in his treatment, was very attentive, and altogether his conduct was entirely satisfactory to myself and all my family.

LAMBERT S. BECK :

I was attended by Mr. Burke about four years ago last June. I was severely afflicted with what I supposed was a

bilious affection, and had been attended by physicians for nine or ten days, and took some medicine which they gave me. I then called on Mr. Burke, who was then in Washington. This was on a Friday morning about sunrise. I was very sick, and had some difficulty in calling upon him. In about two hours Mr. Burke called, and gave me some medicine, and I went through a course, and experienced great relief, and on Saturday I was entirely relieved. I, however, remained in the house on Saturday; on Sunday I went to church, and on Monday morning went to my regular business. I called upon Burke at his house, and he prescribed for me. I could scarcely get to his house, I was so unwell. I was about six hours under the course. Commenced on Friday about two hours of sun. I had read the book, and knowing that Burke was practicing in that city, and having heard him spoken of very highly, I applied to him. Burke had been practicing about two years, and I have known of his attending a great many persons, but never heard of any complaints either of his practice or of his attention to his patients. I think I administered the medicine to my wife myself, when she was sick, soon after. I have ever since. I went through a course of that they call the Thomsonian system. I have the books. Burke assisted me, and I went through the balance myself as he directed me to do. Before I went into the bath I was in violent pains; and from the time I went into it, in about fifteen minutes, I was as much relieved as I am at present. I took medicine while I was in the steam-bath, in the same manner as is usual with the Thomsonian system. I took first a small quantity of pot ash. I then used composition freely, then the bath, and went through the regular course. I took the lobelia, and immediately cascaded. I freely threw off bile, and at every operation felt better. I took medicine internally to keep the internal heat above the outward heat. The operation of the steam was continued for some considerable time; and after I had been I think about six hours under the effects of the medicine, I was relieved. I was worse on Friday, when I went to Mr. Burke, than I had been before. It was a bilious affection, and the fever was very high. I did not at that time take advice from a regular practicing physician. I had read Thomson's book, and heard that Burke was practicing, and this was the reason I sent for him. He was practicing in Washington, and had been for about two years. Burke called in about two hours after I called on him, and he assisted me in beginning

the course, and then he left me with directions how to proceed, but do not recollect whether he returned. I never heard any complaint of Mr. Burke. I knew he attended a great many patients, and have heard some of them speak very highly of his skill and attention.

MOSES SCHUMAKER :

I was attacked about nine weeks ago with the cholera, and Mr. Burke attended me where I then boarded. He gave me a good steaming, and sweating tea to drink. He staid with me all the time. I was in a much better way soon after he commenced. I was then in the west part of the town. He attended my wife next morning, and cured her. We both had the cholera. My sister-in-law took the cholera in a few days; he attended, and cured her also. I had very much cramps through my legs and arms, so much that I could hardly bend them. I had the diarrhœa the day before. Much cramps in my limbs, feet cold, no perspiration on the skin. I was afterwards two hours in a profuse perspiration, produced from hot bricks. I was laying alongside my wife, and we were treated alike. He was so attentive that he never left my bed until I was safe; the same with my wife and sister-in-law.

MRS. WILLIAMS :

Burke has not administered to me extensively himself. I was laboring under a very severe chronic disease. I had been moving, and was much agitated by the fatigue attending it. I was seized with violent pains in the stomach, attended with cramps in the stomach, which seemed to adhere to the back. I immediately sent to my husband, and requested that Mr. Burke might be sent for, always having felt a preference for his practice from what I had heard of him from those who he had attended. Burke mixed some medicines, which he came up stairs and gave me, which soon afforded me relief. The dose was repeated during the night. The medicine I took was composition tea, cayenne pepper, and nerve powder. He mixed a tea-spoon full, and divided it into two doses. Applied steam to the feet, which was continued during the night, and repeated the doses of composition. The attack was very severe. I was much prostrated, and my breath cold. On the next morning I was much better, my stomach relieved of the pain, and my breathing also much better. My husband then carried me through a regular course, and I stood the steam as long as I could bear it. My husband gave me the emetic, generally three doses, sometimes not more than ten minutes between them; he would then give

me as much nourishment as he thought proper. Before the application of the steam I have frequently taken a large tea-spoon full of cayenne; and while under its effects, another dose. I have given within fifteen minutes two tea-spoons full of cayenne, and within twenty-four hours six or seven tea-spoons full. I continue the treatment till the patient is entirely relieved, and I have never seen it fail. During the last six months I was afflicted with a severe chronic affection. I applied to Dr. Jameson, who pronounced it an internal schirrus, or cancer. He said that perhaps the application of washes might prove of service, but thought it doubtful, and considered it almost certain that to effect a cure it would be necessary to use the knife. I told him I had some idea of trying Thomson's medicines, without letting him know who I was. He said he did not understand Thomson's medicines, that perhaps they might sometimes prove of service in particular diseases. I asked him why relief was generally the result of applying the steam. He said it produced relaxation, which was beneficial in some cases. My husband stated that he did not wish to control me in my choice, that he left it to my own judgment to decide what to do. I concluded that if the application of Thomson's medicines would not relieve me, I must die. I commenced going through the entire course. I have gone through forty-six courses in six months, have drank composition tea as I would tea made of any innocent herb. This tea I drink almost every night, and I take some nerve powder also. During the day I felt violent pains, and sometimes burnings for the whole day. My husband would make a mixture of No. 5, cayenne and nerve powder, and give it to me, and I have experienced great relief from it. I still continue to take medicines, and find I am gaining strength, although I am not entirely relieved, but my life is much more comfortable to myself. Mr. Burke was in practice with my husband for several months; and although he attended a great many persons afflicted with almost all diseases, yet we heard of no complaint from any one that he attended. His natural disposition is that of being very kind. My husband has possessed a right to practice this system for about six years. I have often practiced it myself. I have given the medicines to children and ladies of the most delicate constitutions, with perfect safety; and I recollect one case under my charge in which I gave seven tea-spoons full of lobelia, and the steam on all the time. My own health has been worse than it is now, although it is not now good.

I have left my room to come here, when I do not go out of my room to my meals. When we first bought the book I had a sciatica, or rheumatism, in my hip, and at that time I went through three courses before I was relieved; but my hip being weak, I applied strengthening plasters, as I was directed. I have gone through much suffering since that.

I have attended a great many ladies who were affected with the liver complaint, some of whom were severe cases, and have afforded them relief. I consider that for the steam bath, the steam box is preferable to the use of hot bricks. If the apparatus of a box cannot conveniently be had, why then the bricks can be used; and I have often known them to be applied with good effects. I have attended several ladies in one day, and take Thomson's book as my general guide and rule, and vary it to particular cases to my own judgment. I have never known, nor have I seen any danger whatever, to arise from the use of any of these medicines. I have known seven persons to go through a course in one day, and all to be relieved. I have known them to be applied to children from one month old to ten or twelve years, likewise upon the most delicate ladies; some of them have been brought in carriages, being too ill to walk, and after having gone through a course, have left much stronger than when they came. We have relieved some of the patients in the course of one hour. I recollect one case of a lady who came, who stated that Dr. Baker had told her it was the only thing could be done for her. I have frequently taken an emetic. I have taken lobelia six times a day for six days in succession. I was once taken ill soon after a confinement. My nervous system was much diseased. My husband at this time was absent from home, and I was very ill. I had not slept an hour in twenty-four for a week. My child was also sick, and the attention which it was necessary I should pay it, occasioned my taking cold. I asked to be put into the steam box, and taken through a course. I stood in it and was seated in it altogether near twenty minutes. I afterwards had bricks heated red hot, and five of them quenched, applied all around me, and my side rubbed with number 6. I then went through a steam for six days successively, and in a day or two afterwards I was about the house, and able to attend to my business. I continued wrapped up in blankets all that night, and during the next day and until night, I was under the effects of a constant steam, and they gave me nourishment, and continued the medicines between, to keep up, as we

term it, the internal heat; to keep the fountain above the stream. From my own experience, I believe the medicines will do no harm in any case. All the representations I have heard of Mr. Burke, go to say that he has always been very attentive and kind to his patients, and indeed I often think the Thomsonians make slaves of themselves. They attend at all hours of the night, and frequently sleep upon chairs or lay upon the floor, as Mr. Burke has often done, in order to be near if he should be wanted, and the better to wait and attend upon his patients. I do not think there are any people as attentive to the sick as the Thomsonians.

Mrs. FAITHFUL. I know Mr. Burke, and have seen some of his practice, as he attended upon my family. He is very attentive to his patients, at least as far as I have known, and he generally succeeds in his cases. I have often heard in going through town that he had been uncommonly kind to the sick. He has been remarkably attentive in my family, and I do think they are more like slaves in their practice than others. I had a young woman who was taken with the cholera in my house—she had violent spasms and cramps all night—Mr. Burke attended her, and was very successful and very attentive and kind. I had a daughter who died, but she did not take the medicines. She was struck with death when she was first taken, and nothing could be done. In all the cases of Mr. Burke, as well as my own family, he was uncommonly kind.

E. LYCETT. About the 4th or 5th of September, I was taken with the dysentery, and was attended by a regular physician who was thought to be as well skilled as any gentleman in the city, practicing medicines. The first thing he did, was to occasion a loss of blood, and I took about 60 grains of calomel. I was left so liable to take cold that I could not go out without occasioning a wheezing in my throat, which made it difficult for me to speak so as to be heard, or understood. Soon after this, a young man who came from England with me, an apprentice, was also taken. I was advised to try to obtain relief from a course of the Thomsonian system. I was much prejudiced against it, and refused to do it. His disease was the dysentery or the diarrhoeæ, and soon turned to the bilious, and then to the yellow jaundice. He was as yellow, as we call it, as a guinea; and finding he was getting worse, I began to think of the course of treatment—I, however, determined that my young man should go through first, which he did; and found such great relief, that I was in-

duced to try it myself. I went through a course, and I felt entirely relieved, although I had not been well for 10 or 12 days before; and I think it entirely relieved me. I submitted to go through a regular course, and I have been well ever since. He was with me constantly for four hours, and was very attentive the whole time. This gentleman's course began about 4 o'clock, and continued until 10 o'clock, when he left me, with bricks applied to my feet. I went through the course for the purpose of procuring relief from the difficulty I had of breathing, and I found it to cure it effectually.

ABNER POPE. I do know of the practice of Francis Burke in French ailey, during the cholera. There were, I think, eight cases of cholera in that place, which he had charge of, and I was with him every day during the time. The first, I think, was Caroline Ruark's case—this was in the afternoon at 4 o'clock. It was a case of great violence, and admitted to be so by every one that saw her. She has recovered, and is well. She was under Burke's system, and I thought Burke was uncommonly attentive. He slept there on chairs. In one or two instances of the cases there, I carried coffee to them. The others were all thought to be cases of cholera. I saw all of them myself. Burke recovered six out of eight cases which he had. I saw all that he cured. Generally the treatment was the same in all the cases, sometimes the quantity of medicine given, was larger than in others. There was no steam applied except the application of hot bricks, except the case of Nash. He was put on a cot. I got an order from the mayor's office for blankets. I understood he was steamed on the cot until the next morning.

Mr. WILLIAMS. I have known Francis Burke for 20 years. It was through me, that he purchased a right to use Thomson's book and medicines. I had heard frequently of his success as a practitioner. In the spring of 1829, having great confidence in his judgment, and my practice having increased very much, I requested him to come on from Washington and join me in practice. We formed a society of 20 persons, and wrote on to Thomson for rights. My practice requiring assistance, he came, and we associated together, and he practiced with me very successfully, and with great attention. I heard he was practicing in Washington, was the reason for my sending on—he was successful and attentive, and was considered skilful in the use of the medicines.

Cross Examination.—We generally steam until the patients become nauseated, or until we discover from their ex-

pression, a fulness of the stomach. We then remove them from the steam, if in the steam box, if they are lying, we still go on with the steam. These are the general rules, and I should consider them as sufficient guides in all cases. We calculate that the circulation will be increased in certain cases. In violent fever, the pulse will be softened. I think our heating medicines equalize the circulation throughout the whole system. This is a rule in our system, and I never knew the rule to fail. The effect of it is to cause the system to expand, and to cause it to circulate the blood more freely. We never apply steam without the accompanying medicines. This is another general rule which we never depart from.—While the patient is under the effects of the steam, we apply stimulating medicines. Lobelia is a stimulating medicine.—Cayenne pepper also stimulates, and uniformly regulates the circulation.

Mrs. JAMES. I have passed through two courses of the Thomsonian practice, and derived a high degree of benefit from their effects. I could not attribute it to any thing else, but believe that it was this system which was of such great service to me. It was applied under the direction of Mr. Williams.

SAMUEL F. REYNOLDS. I am well acquainted with Francis Burke, and have some knowledge of the skill and capacity with which he treats his patients. I was with him when he attended the cases of cholera which occurred in French alley. I was with him there, both day and night for some time, and always found him successful, very attentive and kind. Burke and myself attended 8 cases in French alley, and cured 6 of them; some of which were very desperate cases—and the physicians said they could not be cured. I have been with him at other and various places, where he was attending patients afflicted with the cholera, and have always seen the same attention on his part under every circumstance. He left his business and started out at the time the cholera appeared in this city—and when he was much engaged in his business. I consider him a discreet, sensible man. A man of strong mind and discreet judgment—so much so, that when I am at a loss how to treat any patient I might have, I always apply to him for advice, what course to pursue. He is thought, by those who have used Thomson's medicines, and are acquainted with him, to be a skilful practitioner, a strong minded man of good sense. I judge of the quantity of steam which we apply to the patient

by his symptoms while under the treatment. When he finds himself relieved or nauseated, it is then customary to draw the steam off. I have seen no instance where it has not produced nausea. We use our judgment to direct us how long to continue the steam; and, in making up this judgment, we have reference to the symptoms of the patient. I have seen no instance where we have not given relief. Wherever I have seen Thomson's medicines administered, I have always found that they have had the effect which was intended.—We inquire into the general feelings of the patient, in order to direct the length of time necessary to continue the use of the applications.

MISS H. Y. WILLIAMSON. I was indisposed in 1829, and remained so until 1830. I was attended by several regular physicians in the state of Pennsylvania. Their judgments were such, that the second time they came, they declared that nothing could be done to relieve me. My disease was an abscess of the lungs and an enlargement of the heart; and it was the opinion of the physicians, that I could not possibly be cured. In August of 1831, my disease increased very much, the consequence of which was, frequent bleeding from the lungs and great weakness. On the 16th of September, I arrived in Baltimore. I went to my uncle's, who lived on the Fall's road. I then took three courses of Thomsonian medicine, which was attended to by Mrs. Coates, and from this treatment, I experienced great relief, and found that I was getting much better. I then came under the care of Mrs. Williams; and after having been under her charge for some time, I found such health as I had not enjoyed for four years, and remained in pretty good health until last fall, when I was again taken with the same complaint, and was attended by Mr. Williams, his wife, and Mr. Burke. I was again in pretty good health, sufficient to attend to my ordinary business. On the 25th of September I was again taken very ill with the same sort of abscess of the lungs; and, also, the bilious fever. I was so ill, that my friends who were around thought me in a dying state, and wrote a letter to my father, informing my family of the situation in which I was, and their expectation of my death in a short time. In this situation I sent for Mr. Burke, he took me through a regular course, and it had such an effect upon me as I had never before witnessed; and I have been recovering to this time. I lay for two weeks so ill as not to be able to help myself, and all the time I found Mr. Burke very attentive and kind. He

came frequently, and seemed to feel great interest in my improvement and encouraged me by the assurance, that he thought I would yet recover. His attention and kindness to me was such that I said I would rather see him than any other person in the world. I thought myself, that I was at the point of death, and had not the most remote idea of recovering. Mr. Burke's attention was greater than I ever received from any physician, although I had been attended by several, and I got better from the commencement of his attendance. I know by the discharges, that I had the abscess and bleeding from the lungs, and this was the opinion of my physicians in Pennsylvania. I had a violent fever about five days before I took the medicines. I took six tea spoons full of lobelia, as strong as it could be made, in the course of three or four hours. When I came to Baltimore, I weighed 70 weight, and my recovery was so great, that when I recovered, I weighed 154. I now enjoy better health than I ever did before; my physicians in Pennsylvania said I had an abscess, and that I could not recover. So great is the change in me, I do not think my friends in Pennsylvania will know me.

EDWARD NEEDLES. It has not been long since I became acquainted with Francis Burke—only since the introduction of the cholera into this city. I consider him a man of intelligence, a smart man, an astute man, and a man of good judgment—my wife was under his treatment—she was relieved by him in a short time. I consider him very skilful in his practice.

EDWARD N. SWEENEY. I became acquainted with Mr. Burke one day before the announcement of the cholera being in Baltimore was made in the public papers. Since I became acquainted with him, I had many opportunities of seeing him, and consider him a man of judgment. I consider him decidedly the best Thomsonian in this city of my acquaintance, except Mr. John M. Williams, and suppose he is better, as he had more practice. I do not know it. I do consider him a skilful man and a man of good strong mind.

One morning during the prevalence of the cholera, I heard a knocking at my door at four o'clock, and on opening the window, a man asked me if there was not a doctor lived there. I told him that he was mistaken, that there was one further down the street, and inquired what was the matter.—(I have held a right under this system, for some time, but never have made a regular business of practicing it, and the

more I have investigated it, the better I am satisfied of the mistaken treatment of the faculty.) The man said his wife and child had the cholera, and that they lived in Wagon alley, and, that if I would consent to come and see if any thing could be done, he would give any thing he was able. I told him I did not practice for money, but that as he was so anxious, I should go, I would see if I could do any thing. I went to his house, and found five children—two of them sick, and the mother, Mrs. Oram, totally collapsed. She was speechless and unable to move. The man said, that he was told, Mrs. Oram was so far gone as to be beyond any hopes; but that he wished I would try to do something for the children. My feelings were much moved on the occasion, and I gave them a dose of medicine, and such is the tendency of our medicine, that as soon as it was taken, it had an effect. It was the medicine No. 1; the strongest preparation—and which, on account of its strength, has been jocularly termed Sampson. I told the man, after turning round and looking at Mrs. Oram, that if it were my case, I would not give it up; he begged me, that if I thought any good could be done, to do it. I gave her some of the same medicine, I had given the children, and I took a tea spoon full and a half of the strong lobelia, and poured it down her throat. We had to force her mouth open to do it. As soon as she swallowed it she moved, and I found the medicines had taken effect. In a few minutes, I told them I thought it was probable she would recover, and I went for Mr. Burke and Mr. Reynolds. The child lived about six days. I left the cases with Mr. Burke, and he attended very particularly and attentively to them; being there nearly all day and night, and only slept upon chairs. The woman got better, and is now cured—I saw her yesterday. I also knew of another case of Mr. Burke's in which he was the one that administered, and that with success. This was the case of a woman at Bromley's tavern, near the Marsh market, who had violent convulsions. They had been out to find Burke; but he could not be found. There were not exactly the same symptoms in all the cases, but still I believe that all disease is produced from the same and one general cause. Mr. Burke gave her a viol full of the same medicines; about 3 ounces; and as it did not relieve. [We are by no means particular about the quantity of medicine, neither do we care any thing about symptoms.]—My brother gave him another for her; a viol of lobelia, after I did, and this all of the strongest preparation. I do con-

sider Mr. Burke as a man of good judgment, and very attentive to his patients, and that he has sacrificed much time in attending during the cholera. I hope this court will, before it adjourns, give my friend a diploma.

EPHRAIM LARRABEE. I consider Burke a man of judgment—a sensible man; and if I were sick, and at the point of death, I would prefer him to any other man. I believe him a man of judgment, and a very smart man.

DR. COLE. The symptoms of congestion of the lungs and brain, might be discovered by any one acquainted with the subject. By convulsions, flushed countenance, redness of the eyes, insensibility of the pupil of the eye to light, eyes immovable, state of the lungs, great difficulty of breathing, these are all symptoms of congestion.

The progress of congestion would have been discovered by the pulse to a certain extent. The pulse becomes slower in congestion, in consequence of the circulation becoming impeded, and requires a greater effort of the system to sustain the circulation. The treatment would produce a violent and strong circulation, then congestion. This can always be discovered by the symptoms. They had all manifested themselves before I got there.

ABNER POPE. It was between 11 and 12 o'clock that I was at Bell's, on the morning of Hazelip's death. I judge so from the circumstance of soon after going to dinner. I was there about a quarter of an hour, and I dine between one and two o'clock. I had been to Elijah Stansbury's, near the causeway, and was returning. Some time after breakfast I left home and went to Stansbury's. Stopped at E. Larrabee's on the route, probably half an hour. Went from there to Godfrey Myer's, and I think from there to Stansbury's. I don't recollect whether Myers was at home or not, stopped there but a short time; and I think I went direct from there to Stansbury's. I don't know how long we were at Stansbury's; after I left there I came direct to Larrabee's to attend a committee meeting there. I was on the opposite side of the street from Bell's, and the sound seeming to come from above induced me to look up.

MR. MOFFIT. I did not see Mr. Pope there, nor Mr. Stansbury.

MR. WILLIAMS. I stated that the criterion by which I should judge the proper time to remove the patient from the steam box, would be when nausea was produced, or indication of fullness of the stomach. While the patient was con-

fined upon the steam cot, I would not withdraw the steam entirely—this would make him liable to a chill and return of spasms. I would reduce the steam, but not remove it entirely. Hence the difficulty of breathing by a pressure on the heart. I would not take the steam entirely off. I would have reduced it, which can be done as quick as we can turn the finger, by turning a cock part round. I have kept up the action of steam until the patient has complained, then I have reduced it, and continued it until the object was accomplished. I have known persons kept in a high state of perspiration by the use of steam. I have kept N. Hynson sitting and standing together, one hour and a quarter, and I have kept my wife continually under the influence of the steam from bricks, for two nights and one day.

This closed the testimony on the part of the defence, the counsel for the defendant stating, that they considered out of respect to the court and jury, who had already been a long time considering this case, they would not examine any other of the numerous witnesses that had been summoned in support of the prisoner, and considered that enough had been said before the jury by them to furnish a clear view of the whole case.

The following report of the addresses to the court is from the notes of Francis Burke—they may not embrace all that was said on the subject, verbatim, but, he hopes, that they who heard the speeches of Messrs. Gill, Richardson and Stewart, delivered, will see a pretty faithful transcript of the *ideas*, if not always *exact words*, made use of in the management of their arguments.

Mr. Gill, the deputy Attorney General for the State, rose and addressed the jury on the part of the prosecution, and said that the duty he had to perform was one of a novel character. The Grand Jury had, in the discharge of the duties and responsibilities devolving upon them, presented the prisoner at the bar, on a charge of manslaughter. The charge was one, the prosecution of which, was attended with great difficulty and delicacy, because, in its consideration, it embraced subjects involving not only the character of many individuals, but dangerous consequences to the peace and well-being of society—consequences, frequently, entirely irreparable; to discountenance which, laws were enacted, and the administrators of them who were authorised to watch for the general good, were bound to punish their infraction.

In any other case, if the enquiry did not embrace subjects of so grave a character—was but one of the many ordinary occurrences in life, he would not feel authorised in so marked a manner, to call their attention to it. The case before the court, to the consideration of which he was so earnestly endeavoring to confine the attention of the jury, was one of extraordinary interest. You will see, gentlemen, said he, that the difficulty and importance I allude to, grows out of the circumstances of the case as presented to the court—it affects not the changeful variant interests of society, which may be diverted into other channels, and leave an opportunity to repair the evil incurred—no, gentlemen of the jury, those may be subjects ordinarily sufficiently grave to occupy your valuable time; but the case before you rises in the vastness of its magnitude far above all others that may be named, when you are told that it affects the human system; its operations, its health, its life. It is not sufficient to believe that the individual is prompted to the deed by no malicious wish to work injury to his fellow. A desire of gain is too liable to lead men astray; and when we super-add to it the grosser motives which blind the judgment and influence the conduct of many, you will perceive the pressing necessity of guarding well every avenue to abuses in this particular. Error in judgment on the part of the patient is likely to involve him in difficulties and dangers, from which he may not be able to extricate himself from the false representations of heartless, designing persons. Experience proves that the most innocent medicines may be administered injuriously. Take an hundred persons, have them attended with such medicines—some would get well without any medical treatment—all they may need will be a little cessation from the intense application they pay to their ordinary business, and they will get well. A large majority of the balance will, under ordinary medical treatment, get well—there yet are a few whose cases require the utmost attention and care, and all the resources of the well informed in the healing art; place such as these under the care of the unskilful, and they will certainly kill them; in the charge of the skilful they will as certainly recover. Question the conduct of the individual through whose agency this evil has been produced; call him to this bar to answer for his misdeeds, and immediately all that conceived themselves to be benefited by his medicines, come into court and willingly testify to the value of those medicines to which they attribute their relief. In

case that individual is incompetent to judge correctly, what remedy is indicated by a perfect knowledge of the characteristic symptoms of the disease, every attempt he may make to remove the evil may be fraught with the most pernicious and fatal consequences, which may be enhanced in its reprehensibility—in the enormity of its character, by rashness and inattention to the plain dictates of humanity. You are, at least, to determine whether gross rashness, ignorance, and lack of that tender care for the condition and sufferings of the individual, the causes of whose death you are called to investigate, was not the procuring means which occasioned the death of the individual, to answer a charge of which the prisoner at the bar was presented by the grand jury, and brought before this honorable court. Take a view of the circumstances connected with the case, and you will see a blind infatuation on the one part, and a manifest lack of judgment on the other. But before we proceed to a further investigation of the treatment, let us examine the means of instruction furnished, and the spring to action of the author and his followers. Observe his labored attempt to deceive the reader, and rouse up evil passions in the possessor of his book. Be not deceived by appearances—in the present case a party of individuals and the prisoner undertake to remove disease, and pretend to do so for the benefit of society at large. Before we admit the position, (and I would be as ready to allow all reasonable credence to the professions of others as any gentlemen in this court, if proofs did not justify the reverse,) will it not be well to test the motives which seem to govern the individuals coming before the court for the defence, the prisoner at the bar, and the author of this little book [Dr. Thomson's Guide to Health]. We have a right to examine it, because by scanning its contents, we may be able to arrive at a knowledge of the motives and principles of its originator. I have carefully read it, that due justice might be rendered to its merits or demerits, as well as to the case more immediately presented to the consideration of the court, and must confess my surprise that there are to be found in this enlightened community, and among its members, those who vend, and those who circulate it. What does it contain? It tells a lamentable story of the evils occasioned by the use of medicines which have been received into common practice, and borne and triumphed over the test of ages, as useful and salutary. Here the author is evidently engaged, not in presenting to the cool judgment of

the reader remedies which have been tested by men of close investigation and deep research, but in inflaming the bad passions by putting forth libels on the conduct and motives of a respectable and learned body of men. Not by their appearances, but by their principles ought all their motives to be judged. The performance of the duty is a painful one, but justice imperiously demands the performance of it at this time from me. It is necessary to advert to the words of the fountain head of its slanders to learn whether a spirit of rivalry or an anxious desire to afford relief to suffering humanity, is the predominant principle. [Here the Attorney General read from p. 11, "The practice of the regular physicians," &c. "to mankind."] Is there any thing to justify this? Does the conduct of that community deserve such a character? It is but an address to prejudice and not to the reasoning faculties of men—it promotes the exercise and indulgence of feelings, which should be carefully avoided. Again—p. 11, "Much has been said and written upon fevers, by the professedly learned Doctors of Medicines," &c.; this class of individuals pay no attention to the origin and application of proper remedies. All his effort is used to sustain the fever, and *he* says, p. 15, "The doctor uses all his skill to kill the fever—"nature is heat"—"heat is life"—and thus he argues in a circle, arriving always at the starting point. Again, he advances a new doctrine, pp. 18—19, "Nature never furnishes the body with more blood than is necessary for the maintenance of health," &c. Here he boldly charges even eminent physicians with practicing it for experiment sake even on themselves! The charge of experimenting is, evidently, only a design to mislead the reader. Another—pp. 26—27. He comes boldly and unmaskedly forward, and enters his caveat against certain medicines, which he abuses in no measured terms, still keeping in action a full share of the tenor of his slanders. I have before me a whole chapter headed "On giving poisons as medicine." The author says. "The practice of giving poison as medicine, which is so common among the medical faculty at the present day, is of the utmost importance to the public, and is a subject that I wish to bring home to the serious consideration of the whole body of the people of this country; and enforce, in the strongest manner, on their minds, the pernicious consequences that have happened, and are daily taking place, by reason of giving mercury, arsenic, nitre, opium, and other deadly poisons, to cure disease. It is admitted by those who

make use of these things, that the introducing them into the system is very dangerous, and that they often prove fatal." To cover the ground he assumes, and mislead the judgment, so by the occasional utterance of a truth he may have the semblance of a cause for his observations, and an excuse for ignorance and want of skill, he proceeds: "Those who make use of these things as medicine, seem to cloak the administering them under the specious pretence of great skill and art in preparing and using them; but this kind of covering will not blind the people. If they would examine it, and think for themselves, instead of believing that every thing said or done by a learned man must be right; for poison, given to the sick by a person of the greatest skill, will have exactly the same effect as it would if given by a fool." Here we find the author purposely mis-stating the subject, and evidently with the view to slander others, and thereby the better to cover his own selfish designs. Indeed, the whole book appears to me a work full of deception; and they that vend, and they that advocate and own it, participate in the criminality of its author, by endeavoring with their countenance and support to palm it upon the community as a truth, and the book as a work deserving of attention. "This covering" will not exempt themselves from a censure wherever the book is candidly examined. No medicine is as harmless in the hands of a fool as with a skilful practitioner who has made the subject the theme of his study by years of painful and laborious investigation. Nothing is harmless when taken in improper quantities into the stomach—even the most nourishing and innocent food we eat, may be partaken improperly and inordinately of, and do serious injury. The science of medicine is more complicated, and the evils of the mis-application of proper remedies is attended with more pernicious consequences, than deviations from propriety, in the administration and reception of healthy food. The subject of medicine, for the purpose of practicing to afford relief, should never be meddled with by any but men of extensive reading and close investigation. The author has a whole chapter headed, "The doctors without a system." Hear how he slanders a respectable and learned profession. "That the doctors have no system is a fact pretty generally acknowledged by themselves; or, at least, they have none that has been fixed upon as a general rule for their practice. Almost every great man among them has had a system of his own, which has been followed by his adherents, till some

other one is brought forward more fashionable." With him, when a man has discovered any thing superior in its kind, no advance is to be made—no improvement sought after—and no deviation from or change of views can take place in relation to any subject of investigation, without just ground for an implication of the correctness of the motive. The whole medical world are accused of being governed by fashion, and men of sound judgment and correct habits are sweepingly maligned by this new light, and charged not only with want of principle, but also (page 34, bottom) with being weakly moved by fashion in the adoption of their views and practice. "Their practice is founded on visionary theories, which are so uncertain and contradictory that it is impossible to form any correct general rule, as a guide to be depended upon." I cannot take the time to follow the author through all his malignities and mistakements, but I expect to be able to convince you, gentlemen of the jury, that the assertions I have made and may yet find occasion, in the prosecution of the case to make, are fully sustained by the developments of Thomson's book. I proceed—p. 132, on the subject of midwifery—"I have given instruction to several who have bought the right, and their practice has been attended with complete success. Many men that I have given the information to, have since attended their own wives, and I have never known an instance of any bad consequences; and if young married men would adopt the same course, it would be much more proper and safe, than to trust their wives in the hands of young inexperienced doctors, who have little knowledge, except what they get from books, and their practice is to try experiments; their cruel and harsh treatment, in many instances, would induce the husband to throw them out of the window, if permitted to be present; but, this is not allowed for the very same reason." Herein is contained not only a repetition of slander against the learned faculty, viz: want of judgment, and cruel and harsh treatment, but the author has, while he rails at the study of the science, the effrontery to teach others, what he is evidently ignorant of, and rail at such as have made themselves acquainted with the science, as a regular branch of their indispensable study:—the purchasers of this book must know that they have been deceived, and cannot but be convinced that they are tampering with life, when they attempt to practice upon its system and medicines. I return to page 117—an article written on the subject of "Worms," Thomson says—"The common

practice of the doctors is to give calomel and other poisons to kill the worms: this must appear to any one who examines into the subject, to be very wrong as well as dangerous; for the worms cannot be killed by it, without poisoning the whole contents of the stomach. I once knew of a case of a child, who, after eating a breakfast of bread and milk, was taken sick; a doctor was sent for, who said it was caused by worms, and gave a dose of calomel to destroy them, which caused fits; the child vomited, and threw up its breakfast; a dog, that happened to be in the room ate what the child threw up; he was soon taken sick and died; the child got well. The fortunate accident of the child's throwing off its stomach what it had taken, probably, saved its life; for, if there was enough poison to kill a dog, it must have killed the child." The general principles as set forth, and relation of facts advanced in this book, all go to speak one motive—one deliberate and continual determination to slander the physicians of the whole world. We stand in society in various relations to each other, and there may be a few, (of which number I think the author makes one) who are selfish and malignant, and do not study to advance the interests of humanity, who care little for the miseries of the rest, except only as it furthers their base motives; but, gentlemen of the jury, your own observation teaches you that the great mass are anxious to do what is right and proper. Judge the gentlemen of the medical faculty (and it is not reasonable to suppose that men bred and educated as they are, would lose by a comparison with the mass of men) by, but the same rule—is there any excuse for the indiscriminate attack made upon both them and the character of their profession? Can the motives which would actuate to such deeds be honest? If the mind of Dr. Thomson was not completely imbued with a spirit of rancour, he would have put forth a book of quite a different sort of character—after modestly advancing his views which conflict with generally received opinions, he would have rested the success of them upon the supposed plausibility and certainty of his premises and deductions, and calmly appealed, not to prejudice and passion, but to the sober collected judgment of the purchaser. Had he done so, a discriminating public would judge of it by its intrinsic merits, (if it has any) and the author be held in respect even by his opponents, who would not feel aggrieved if he enjoyed the meed of a well earned fame. But the appetite for slander must be satisfied, and the prejudices and bad

passions of its readers be put in a ferment—and for no other purpose than to set men at variance with each other. The mind sickens at the debasing view—it is time to leave it. I now come to the examination of the merits of the testimony. The case was presented for the consideration of the grand jury; they view it in its relations to, and bearings upon the well being of society, and aware that, if such practices were suffered to go unpunished, it would become an evil of great magnitude, and perhaps be attended by a wide spread desolation of life, and were determined to do all in their power to arrest its progress. They have found a bill charging the prisoner at the bar in the words of the indictment, with killing Benjamin M. Hazelip. You have heard the testimony on the part of the state. I leave it with you for the present. Among the witnesses for the defence we find the testimony of Mrs. Williams, she had a disease, and, notwithstanding all the boasted information which Dr. Thomson imparts, and all the knowledge acquired by practice, the character of her case is not understood, and Dr. Jameson has to be consulted, and his opinion obtained to shew her to be beyond a cure by the use of the ordinary medical treatment. She tells you that she has very largely used Thomson's medicines, and that she thinks she would have died were it not for their surprising virtues—but notwithstanding the glowing terms in which she speaks of them, her countenance evidences that she is not cured of her malady. Miss Williamson appears on the stand, and with all the warmth of a grateful recollection of supposed benefits, tells you of her complication of woes, and that the prisoner at the bar snatched her from the jaws of death. She considers her cure a miraculous display of the skill of the prisoner at the bar, and the virtues of his medicines—and, truly, if all the testimony for the prisoner be true, the age of miracles has not ceased yet. Mr. Sweeney also bears the like testimony to the character of the prisoner—goes into a description of the quantity of the medicines given in certain cases, and tells you in addition that he considers one single medicine good under all circumstances and varieties of diseases. Mr. Sweeney owns a right to use Thomson's book and remedies. I speak of this to shew the false principles under which men may act, and how far they will go in support of the position they have taken. Sweeney was called to attend the case mentioned by him in Wagon alley, and he gave up the case to the prisoner—*of course* it must have been a very desperate case. He tells you that

he has known lobelia to be used to good advantage in large quantities ; and that a patient of the prisoner, Mary Jewett, took two phials full of the strongest preparation which he significantly calls Sampson, before relief was obtained ; and from the reckless manner in which it was administered in large quantities, I confess, I am strengthened in the opinion that their proceedings are prompted and regulated by false principles of humanity. This Dr. Thomson tells his followers that he has made discoveries in medicine which puts to flight the necessity of all further inquiry upon the subject—looked over all the difficulties and impediments which might occur in future practice, obviated or overcome the whole, and now he offers them his book, the contents of which have forever banished the necessity of further investigation—all further examination—all further action in this address to self-love and pride. Yes, gentlemen, this Dr. Thomson dares to assume the attributes of Divinity, and tells the world that he has found the grand *desideratum*—the elixir of life—in “a general medicine,” “which is universally applicable in all cases of disease.” I hope the court will not think me too tedious, if I read the following extracts in exposition of the principles of this grand and desirable “universal” secret “remedy,” which, even in his relation of the manner of its discovery, bears constant marks of the egotism of the discoverer : see p. 6, of the introduction. “It is true, that much of what is at this day called medicine, is deadly poison ; and were people to know what is offered them of this kind, they would absolutely refuse to receive it as a medicine. This I have long seen and known to be true ; and have labored hard for many years to convince them of the evils that attend such a mode of procedure with the sick ; and have turned my attention to those medicines that grow in our own country, which nature has prepared for the benefit of mankind. Long has a general medicine been sought for, and I am confident I have found such as are universally applicable in all cases of disease, and which may be used with safety and success, in the hands of the people.”

“ After thirty years study, and repeated successful trials of the medicinal vegetables of our own country, in all the diseases incident to our climate ; I can, with well grounded assurance, recommend my system of practice and medicines to the public, as salutary and efficacious.”

Page 7. Great discoveries and improvements have been made in various arts and sciences since the first settlement of

our country, while its medicines have been very much neglected. As these medicines, suited to every disease, grow spontaneously upon our own soil. [Here the attorney general remarked that in this place Thomson had forgotten one material ingredient in his medicines—the most powerful and permanent stimulant he used, cayenne pepper, certainly did not "grow spontaneously upon our own soil"—it was an article of foreign growth.] As they are better adapted to the constitution; as the price of imported drugs is very high, it follows, whether we consult health, which is of primary importance, or expense, a decided preference should be given to the former; as an object of such magnitude as no longer to be neglected." Hear his description of the manner of obtaining his wonderful discovery, page 7. "Possessing a body, like other men, I was led to inquire into the nature of the component parts of what man is formed, I found him composed of the four elements—earth, water, air, and fire. The earth and water I found were the solids; the air and fire the fluids. The two first I found to be the component parts; the two last kept him in motion. Heat, I found, was life; and cold, death. Each one that examines into it, will find that all constitutions are alike. I shall now describe the fuel which continues the fire, or life of man. This is contained in two things---food and medicines, which are in harmony with each other; often grow in the same field, to be used by the same people. People who are capable of raising their food, and preparing the same, may as easily learn to collect and prepare all their medicines, and administer the same when it is needed. Our life depends on heat; food is the fuel that kindles and continues that heat. The digestive powers being correct, causes the food to consume; this continues the warmth of the body, by continually supporting the fire."

Page 8. "The stomach is the depot from which the whole body is supported. The heat is maintained in the stomach by consuming the food; and all the body and limbs receive their proportion of nourishment and heat from that source; as the whole room is warmed by the fuel which is consumed in the fire place. The greater the quantity of wood consumed in the fire place, the more heat and support through the whole man. By constantly receiving food into the stomach, which is sometimes not suitable for the best nourishment, the stomach becomes foul, so that the food is not well digested." [I suppose, said the attorney general in that

case, all that is necessary is to give large quantities of cayenne pepper, and burn it out as we do a stove pipe: yes, I see it is by the paragraph below!] This causes the body to lose its heat, then the appetite fails; the bones ache; and the man is sick in every part of the whole frame." After these very sublime and philosophical reasonings he turns to his evidences on the subject.

Page 9. "I have found, by experience, that the learned doctors are wrong in considering fever an enemy. This I found by their practice in my family, until they had five times given them over to die. Exercising my own judgment, I followed after them, and relieved my family every time. After finding a general principle respecting fevers, and reducing that to practice, I found it sure in all disease, when there was any nature left to build on; and in three years constant practice, I never lost one patient." Here is a grand discovery, which if the statement of the relator is to be trusted, will keep men alive to an interminable age—men need not die now—the secret of prolonging life is at length discovered; and the whole is simply this—when the stomach is out of order, to give largely of cayenne pepper—burn out the flues, and you can apportion life to any given quantity. He says, page 10, "It has been acknowledged, even by those who are unfriendly to me and my practice, that my medicine may be good in some particular cases, but not in all. But this is an error. For, there are but two great principles in the constitution of things, the principle of life, and the principle of death." He says, in the same paragraph—"Names are arbitrary things—the knowledge of a name is but the *cummin* and *annis*, but in the knowledge of the origin of a malady, and its antidote, lies the weightier matters of this science.—This knowledge makes the genuine physician; all without it is real quackery." Thomson has defined the cause of disease, and the effect of disease the same—the remedy being heat, it does not need much reflection to know what, under the practice of his system, to apply as a remedy—give heat; give cayenne, and the disorder must vanish. Surely no man needs long to remain in darkness, and commit the sin of "quackery." Hear him again—what parade he makes of superior intellect—with what complacency he sounds the praise of his wonderful endowments! What little dependence is to be put upon hunian learning! how useless and injurious! Page 11. "A man may have a scientific know-

injurious! Page 11. "A man may have a scientific knowledge of the human frame—he may know the names in every language, of every medicine, mineral and vegetable, as well as every disease, and yet be a miserable physician." These are truths which are evident to all, as they come within the experience of all; but, surely, this can bear no analogy to the qualifications of such a man as Thomson. The possibility may exist, that some men of very extensive information may not, owing to some unusual peculiarity in them, be good physicians. The case widely differs when the individuals or individual are not in possession of a cultivated mind to qualify them for the practice. The first pre-supposes an occasional incompetency from, perhaps, a certain habit or peculiarity—the supposed case of an individual without the necessary education, involves in its stating only the idea of utter disqualification and improbability—it cannot with any semblance of correctness be tortured to mean that an ignorant man like Thomson may be capable of performing the high duties of a physician. With all the supposed incapacities of a man of science in the knowledge of diseases and their remedies, it is preposterous to conclude, with even all his disqualifications, that he is no better as a physician than the most illiterate. It is gross folly enough, to feed the mind on flattery in any individual, but when it is furnished and swallowed by the individual himself, it is truly disgusting and abhorrent. This Dr. Thomson, who, it seems cares not what false principles he puts forth so that he may vend his book—hear how adroitly he applies to himself, expressions, which the author of them would never have uttered, had he supposed the possibility of the abuse made of them in this book.—"But, there have been men, without this, to boast of, from the earliest ages of the world, who have arisen, blest with the sublimer powers of genius, who have, as it were, with one look, pierced creation, and, with one comprehensive view, grasped the whole circle of science, and left learning, itself, toiling after them in vain." It cannot be misunderstood—he intends this should be applied to himself. Yes! he has studied 30 years to accomplish this task, and all the information he can give is a farrago of nonsense contained in this little book. Here, in his own distempered fancy he has embodied a fund of valuable information—a something which did not admit of change, to which all the world might look and be healed. If the concluding sentence is not sheer nonsense in reference to Thomson, then, I must confess, I have

ever been laboring under the greatest disabilities to the proper formation of a sound judgment—delusion and error.—It is the conclusion he draws from the premises he has stated above, in his own favor. “A man never can be great without intellect; and he never can more than fill the measure of his capacity. There is a power beyond the reach of art, and there are gifts that study and learning can never rival.” Yes, gentleman of the jury, this ignorant, great Dr. Thomson has obtained a knowledge which puts down all science, and leaves learning toiling after it in vain. Yes, a knowledge of this book will qualify a man to cure the whole catalogue of the sufferings of humanity—“there is a power beyond the reach of art,” and he has it by intuition—“and, these are gifts that study and learning can never rival,” and, this man, according to his own notion, has attained them! and to perpetuate the idea, he has adorned his book with a portrait of himself, having this motto—“His system and practice originating with himself.” He endeavors, by direct flattery, to get within their judgment, and tells them that his long experience and great success prove that his medicines may be used with safety and success by any person—that all constitutions are the same, and all diseases are alike, however opposite their nature. I have heard of mathematics being taught by a game of marbles, but to prove that the science of medicine, or a knowledge of the curative art, could be acquired without effort would be a problem more difficult to solve than mathematicians or any others have yet undertaken. Nothing can be learned without labor and attention—and nothing is more difficult to acquire a correct and useful knowledge of, than the science of medicine. Notwithstanding all the facilities afforded by books, &c., many are totally ignorant of certain arts and sciences—they are not easily acquired by any person—and, perhaps it may be necessary to the well being of society, that it is so. Thomson and his followers have brought all diseases to one general standard, and they know of but one general remedy—all else “is but the *cummin and annis*” but in their “one general remedy,” “lies the weightier matters of this science.” Men cannot be too careful when they tamper with that they never can restore. Scarce has Thomson begun to repose under the shade of his laurels and to reap the benefit of the sale of his rights, when his quiet is disturbed by the innovating hand of another aspirant after fame—in the first page of his address to the public, he complains—“Many persons are practicing my system, who

are in the habit of pretending that they have made great improvements, &c.," and says, "the public are, therefore, cautioned against such conduct," &c. Elias Smith says, he has made improvements on Thomson's practice, and Thomson bawls out against the innovation, and cautions the public against the evils attending "such conduct." Thomson, in his own estimation, had now become a regular physician.—From the expositions which have been made respecting the correctness of the system and practice revealed in this book, you, gentlemen of the jury, will be able to determine how far men are to be benefited by the use of it. The prisoner is to be responsible to the laws, if he is proved to be guilty of gross rashness and ignorance, and the book binds him hand and foot to the principles of it—if he varies in the least, he is deprived of his right, and denounced by its author as an innovator, and no longer worthy, nor entitled to the privileges and immunities of membership. The cardinal principles are set forth in page 89, sections 3, 4, 5.

"That the construction and organization of the human frame are, in all men, essentially the same; being formed of the four elements; earth and water constitute the solids of the body, which are made active by fire and air. Heat, in a peculiar manner, gives life and motion to the whole; and, when entirely overpowered, from whatever cause, by the other elements, death ensues."

"A perfect state of health arises from a due balance of temperature of the elements; and, when it is, by any means, destroyed, the body is, more or less, disordered. When this is the case, there is always a diminution of heat, or an increase of the power of cold, which is its opposite."

"All disorders are caused by obstructed perspiration, which may be produced by a great variety of means; that medicine, therefore, must be administered, that is best calculated to remove obstructions and promote perspiration."

"Earth, water, air and fire" compounded, form the man, and the whole treatment to be pursued in the removal of the various diseases to which he is exposed, are contained in two things—heat and medicines, without reference to symptoms or contra-indications. No complaint should be made of his consumption of food—the more he eats, the warmer he is—and, the warmer he is, the better health he enjoys. Now, gentlemen, of the jury, it is known, that many diseases create an inordinate appetite—here the great fundamental principle is observed to eat largely, for the purpose of keeping up the

inward heat above the outward. Does not such a plan overload the stomach, paralyse its digestive powers, and lessen its warmth in proportion to the shock given to them? How is it to be accounted for on Thomson's principles? The terms food and medicine are sometimes used synonymously, and he says—"If it is agreeable in one case, it is agreeable in all." What do they mean by heat upon the surface? I do not comprehend what dependence the outward heat or atmospheric air has upon the inward heat. The stomach is called the focus of the inward heat—it is generated in the stomach. The supposition is, that the outward heat will be exceeded by the heat of the stomach, as it is constantly originating there, and evolving from it—yet they contend that the outward heat may be greater than that from the stomach. Here Dr. Geddings, by permission, read a case from

where the patient is said to have emitted "a stream of cold air from his nostrils," in a certain disease.]

The Thomsonians contend that heat is life; and, of course, there is no life, by their rule, without heat. What are we to do with the cold blooded animals—have they not life? The book says, "Life, blood, heat and nature, are synonymous terms." Here we have an outward and inward heat, and an outward and inward life; an outward and inward nature—and, for aught I know, an outward and inward blood, too, for they are all synonymous! Surely Thomson did not understand himself when he was putting forth these follies. He is more powerful in using the weapon of slander than in any thing else. [Here the attorney general read an extract from a work on Animal Heat, shewing that the natural temperature of the blood of man was the same in all climates.] Other authors say that the origin of heat is in the lungs and blood—it appears more reasonable that it should be there than in the stomach. Is there any other motive for respiration than to produce vital heat? For this, only, it appears essential to human life.

The origin of Thomson's heat is in the stomach, which is constantly exposed to diminution by the action of the atmospheric air and a variety of other agents. Thomson said, he had long sought for a universal remedy—but, if his system is based upon such untenable principles, it is dangerous to carry it into practice. I now come to the consideration of the evidence of the witnesses who have given in their testimony before the court—but, first let us make inquiry into the condition of the man who died. Patrick and Moffit

both say that they saw him on the morning of the day on which he died. They say that they did not know that any thing was the matter with him. Larrabee says he complained of pains and oppression in the stomach and bowels, and appeared very much alarmed; but Townsend says, he saw him at about a quarter past ten near his own house, and that he did not appear ill. Sumwalt tells you that he did not know that Hazelip had spasms, but that Bell told him that Hazelip had. Pope and Stansbury say that he had spasms. The testimony of the witnesses conflict much with each other; you are the best judges of who, what, and how much of these statements is to be believed, when the whole is taken in conjunction with the testimony of Dr. Hintze, that he was called upon late on the night previous by Hazelip, and that nothing but alarm ailed him at that time; and, in conjunction also with the testimonies of all the physicians that were present at the post mortem examination, that the body of the deceased had no internal marks of recent disease. Next, Hazelip was seen on the steam-cot by Patrick, Moffit, West and McCauley—they all testify that Burke and Bell gave, or had given Hazelip medicines, and at the same time he was lying on the cot and under the influence of the steam—that Hazelip asked to be let off, but that they prevailed on him to stay on the steam-cot; and again, that he sat up on the cot, and that they persuaded him to lie down—that Hazelip appeared very restless, was in a profuse perspiration, and that Burke and Bell gave him composition powder, lobelia, cayenne pepper, and number 6; and that they said they did not wait for the medicine to operate. Townsend says he saw Hazelip near his house at a quarter of ten. Patrick says he saw him on the steam-cot at between eleven and twelve of that day. We may, therefore, fix the time of the commencement of the steaming at half past eleven; and, by the concurrent testimony of all the witnesses for the prosecution, he was free up to that time from all appearance of disease; and all say, that while on the steam-cot he had no appearance of disease. Moffit says when he went to see Hazelip the second time, it was between two and three o'clock, and he found him on the bed, beside the steam-cot, in a state of insensibility. And West says he saw him on the steam-cot at fifteen to twenty minutes past one, and then no bed had arrived, or was in the room. All who speak positively on the subject during the operation of the medicines and steam, say that there was no preparation of the sort in the room. Suppose

we fix the time of his being relieved from the operation of the steam to two o'clock, Hazelip then must have been at least two hours and a half under the operation of the steam. Lobelia is an article so dangerous in its qualities and vehement in its nature, that it is not safe to be administered indifferently in disease, and only in a few cases; but in any form it is to be admitted cautiously, and with a well informed and well ripened judgment; but in this instance it appears to have been administered in excessively large doses, and without attention to symptoms and indications; conjoin with this the constant action of the steam for two hours and a half, at such a high temperature as to be complained of by Hazelip; that the steam excites the vessels on the surface to increased action, and brings the whole circulatory system in rapid and violent action; and when carried to too great an extent, ceases to excite, by overwhelming the heart and arteries. Does not this shew that mal-treatment caused Hazelip's death? You have been told, too, gentlemen of the jury, that the action of all the medicines, &c. administered, are vehement in their action, and violent and dangerous in their operation and effects. Lobelia is represented as an acrid and poisonous article—it may or may not be so. The witnesses for the defence say it is not. Pope says it casts up what is offensive, but his porridge is not thrown up by it. I do not believe him. There are a great variety of remedies which may be used with indifference, but it did not appear that the lobelia was an article of that description. [Here the attorney general read Dr. Barton's remarks on lobelia.] Gentlemen of the jury, Dr. Barton, from all the information and experience he possessed, says—"If lobelia does not puke or evacuate speedily, it frequently destroys the patient in five or six hours." With permission, I will read to the jury cases tried in the courts on the subject, from which you may be able, in view of the testimony in this present case, to make up your decision; and first, I would beg leave to read the trial of the author of the system and discoverer of the medicines upon and with which the prisoner at the bar practices. It is the case of Samuel Thomson, 6 Massachusetts Reports, p. 134. The recklessness of Thomson and his ignorance are here shewn, in undeniable evidence; but the judge instructed the jury, on submitting the case to them, that as the prisoner was there on an indictment for murder, for wilfully and maliciously killing Ezra Lovett, his patient, unless it could be proved that the act was wilfully and maliciously

done, an action on the case could not be; and they were bound, however satisfied that the patient, Ezra Lovett, came to his death from the improper administration of Thomson's medicines, to decide in his favour; and upon that ground, the jury found a bill of "Not guilty." But this is not the case with the present suit—neither do the judges enjoy and exercise powers to the same extent as they do in Massachusetts; the jury in the present case may find their verdict as they may determine from the nature and weight of the testimony. I now, said he, intend reading a few cases which stand in immediate reference to the question under consideration. I begin with the opinion of Chief Justice Story in *White vs. Travers*; and *English Reports*, edited by Sergeant and Lowber, *King vs. Edwin Martin Van Butchell*, p. 474; *King vs. Jno. St. John Long*. All these go to shew, that where there is not due caution observed in the administration and qualities of the medicines, the prisoner should be guilty of the crimes alleged against him. Was not Hazelip under the application of the steam for two and a half hours? Was not the whole treatment carried to excess? If the prisoner at the bar is not convicted upon the evidence before the court, an immunity from responsibility will be the consequence; and thereafter, any man that chooses to get Thomson's patent, may go forth and kill or cure, without fear of punishment.

[The reporter regrets the necessity of being compelled to say, in addition to the general defectiveness of his report, that at the time Mr. George R. Richardson commenced his address to the jury on the part of the prisoner, his attention was called off to answer some inquiries made by his witnesses, and, consequently, he was unable to commence with the speaker; and before he was disengaged, Mr. R. had entered deeply into the merits of the cause, and became so animated and impressive, that the reporter, instead of recording leading sentences, passively gave his feelings the rein, and followed Mr. R., whose mind seemed loaded with the facts as recorded in the testimony—and whose tongue illy afforded vent to their rush for utterance. Mr. R. had been much indisposed for some weeks previous to the trial, and was then apparently very feeble; but, notwithstanding, he addressed the jury from twelve o'clock until half past one, and (being exhausted and obtaining a respite by adjournment,) from three to half past six.]

Mr. Richardson followed Mr. Gill in his quotations, and in several passages read by Mr. G. shewed that he had stopped short of giving Dr. Thomson's ideas, and thereby presented them in a wrong form, and observed that such was the case with nearly all his quotations—and that but in one only, there was a semblance of truth in the charge of slander of the medical faculty by Dr. Thomson, and that had some justification in their persecutions, &c. of him. He next went into investigation of the nature of the disease, and proved by the testimony of Pope, Stansbury and Sage, to the fact of his having spasms—the admission of Sumwalt, that it had been stated that Hazelip had had spasms, without being denied by the patient—that Pope and Stansbury, from their knowledge of the disease, considered it as a case of cholera; and Dr. Gedding's admission, that with some slight difference, that the appearances after death were such as is usual in that disease; and to prove that the appearances about the brain were also concomitant, he read extracts from Good's Study of Medicine, fourth American edition, v. 1, p. 178 (from the Bombay Reports, p. 62)—“Several instances were heard of at Hoobly, and other places, of natives being struck with the disease whilst talking in the open air; and who, having fallen down, retched a little, complained of vertigo, deafness and blindness, and expired in a few minutes. Mr. Gordon gives a history of many cases of this kind. At Bellary, a tailor was attacked with what was supposed to be cholera, and instantly expired, with his work in his hands, and in the very attitude in which he was sitting.” And, pp. 182–83—“I have said that the living power during the whole of this melancholy event, seems to have been very feebly recruited from its fountain, or not recruited at all. The latter appears to have been the case in the island of Ceylon, where the disease raged with even more violence than on the Indian continent; and the patient very frequently expired in twelve or fifteen hours from its attack. A dissection of those who perished thus early in this quarter, has put us in possession of some interesting facts, varying in a few particulars from those that occurred on post-obit examinations in the island of Bombay; and which will, I trust, uphold me in making this remark. *The brain was, in these cases, chiefly the congested organ,* the liver sometimes appearing to have no congestion whatever; and hence the inactivity produced in the brain, by the nauseating state of the stomach, must have been greatly

augmented by oppression," &c. Mr. R. then took a rapid view of the medicines—their nature, their usefulness and harmlessness, as proved by all the witnesses for the prisoner. The testimony of Mrs. Williams, a female in delicate health, who had taken forty-six courses of Thomson's medicines, and with benefit, within the past six months, and her very full testimony in reference to her treatment and success with other females who had used them. The case of Mr. Lycett and his young man; Mr. Shumaker, his wife and sister; Mr. Needles; Mrs. Lydia Peters of a disease pronounced incurable, &c., and Miss H. Y. Williamson, who attributed her recovery from the very verge of death to the skill of the prisoner. [In this part of his subject he was so touchingly eloquent and feeling, that many were observed wiping the tears which rapidly chased each other down their cheeks. The speaker's voice trembled from the force of his feelings, and his chin quivered; and the tear, so unusual to a counsel in a trial of an individual in whose case he had but a transient interest, was seen to start from his eye and join in the general sympathy.] After this, he recounted the testimony of every individual knowing to the character, &c. of the prisoner—that he was competent, attentive, feeling, &c., and that this was the character of the prisoner for at least the last four years, without one exception, by the united testimony of the witnesses in the city of Baltimore; to which was superadded the testimony of Lambert S. Beck, to the practice of the prisoner in the city of Washington previously; and, that nothing on the part of the testimony for the State went to shew that the prisoner was lacking in attention in the case before the court. In fine, the prisoner had been proved by abundant testimony to be competent, successful, attentive, tender, and to possess all the qualifications necessary to recommend him to public confidence; and if even in a few cases he was unsuccessful, it could not be laid to his charge as a fault, but to the impotency and fallibility attendant upon the exercise of the best judgment in such cases. If such were not the correct view, then, a physician of the most pre-eminent talents might, from malice, or a spirit of rivalry, be brought to the bar, and, to say the least of it, be subject to much vexation and loss of time, if not to punishment and loss of character,—when the utmost exertions in his power had been made to ensure success. Mr. R. cited the following case in proof of the correctness of his position:

Rex vs. John Williamson, O. B. 1807, Sergeant and Lowber's Reports, p. 497, v. 14.

The prisoner was indicted for the murder of Ann Delacroix, at the parish of St. James, Westminster; he was also charged with manslaughter by the coroner's inquisition.

Lord Chief Justice Ellenborough (in summing up), said, "There has not been a particle of evidence which goes to convict the prisoner of the crime of murder; but it is still for you to consider, whether the evidence goes so far as to make out a case of manslaughter. To substantiate that charge, the prisoner (a surgeon) must have been guilty of criminal misconduct, arising either from the *grossest ignorance*, or the *most criminal inattention*. One or other of these is necessary to make him guilty of that criminal negligence and misconduct, which is essential to make out a case of manslaughter. It does not appear that in this case, there was any want of attention on his part," &c.

Mr. STEWART said:—A few years since I was engaged in a suit in which was seen arrayed (not a few physicians of ordinary intellect, and reputation for acuteness, opposed to each other, but a marshalling of learned professor against learned professor of different colleges, but of the same school in deadly conflict, bringing with them all the talent, research, and erudition of which they were capable, and each supported in his position by witnesses of acknowledged merit in the practice of medicine, but with views of treatment, although in some points alike, essentially different from each other.—The consequence was, an elaborate investigation was entered into, to prove (what a court and jury will never be competent to decide upon) whether of the views and treatment which are almost as various as there are physicians, the accusers or the accused are right. A court can only decide where there is manifest inattention to the plain duties of propriety in the administration of medicines undeniably pernicious, and where there is palpably a recklessness and want of attention, and gross ignorance. For where modes of treatment and preference of means only, are the subjects of contention, there are such a variety of contradictory views in the medical world, that they themselves, are at constant issue with each other, and to leave the decision of correctness between their discrepancies to the judgment of such as had not been able properly to examine the whole ground of the controversy, would be truly putting dangerous prerogatives in the hands of the ignorant and unskilful, in such matters; for, gentlemen of the jury, "who shall decide, when doctors disagree." The case before you is not of the character I have

just alluded to—here is not an embattleing of 'Thomsonian with Thomsonian—not with them is to be found theory after theory, and system after system chasing each other in interminable succession until they vie in number with the stars in the firmament—no, gentlemen, they have one system and one mode of practice, which, notwithstanding the variations necessary to meet the attacks of the various forms of disease, are simple in their form, innocent and salutary in their effects, and adopted, received and administered, without a single reservation by thousands, and perhaps tens of thousands of our fellow citizens throughout our widely extended country, of all ranks, conditions and grades of talent, as such, without dissent or controversy; this is not a too highly colored assertion—go where you will—east, west, north, south, you will find the disciples of Dr. Thomson scattered abroad—a large and multiplying class of useful individuals—question them respecting the system and medicines of Samuel Thomson, and they are, with an undivided voice, pronounced innocent and powerful in the banishment of disease and death. Truth has been truly said, in the emphatic language of a nervous writer to have "but one side," and the universality of their reception by those best acquainted with the system and practice of Dr. Thomson, seem to go far to prove them true. I am not here for the defence of any system, but to defend my client against the charge of manslaughter as preferred against him in the words of the indictment—the system of Dr. Thomson, the book, with all his assertions contained in it, is before the public—edition after edition has been printed, the medical faculty have access to it, as is instanced by the book in court, owned by Dr. Cole; and they have not been able or undertaken to controvert what is there published.—Until that takes place they cannot complain of an injustice too slight for comment. Reference has been had to the trial of Samuel Thomson in the Massachusetts Reports, by the Attorney General—it is not to be considered official, but copied into them from improper statements of the case. That case was got up by a Dr. French for the purpose of putting down by persecution, what he had failed to do by his practice.—The same gentleman, not long afterwards, became a fugitive from justice for his misdeeds. Such should ever be the fate of the unprincipled tyrannical persecutor. Look at the peculiar situation in which Thomson was placed, and then say if there be not some excuse—some palliation for the causticity of his remarks. Listen to Thomson's account of the

treatment he has received, which he prefaces by a quotation from Dr. Harvey, p. p. 13, 14. "By what unaccountable perversity in our frame does it appear, that we set ourselves against any thing that is new? Can any behold, without scorn, such drones of physicians, and after the space of so many hundred years' experience and practice of their predecessors, not one single medicine has been detected that has the least force, directly, to prevent, to oppose, and expel a continued fever? Should any, by a more sedulous observation, pretend to make the least step towards the discovery of such remedies, their hatred and envy would swell against him, as a legion of devils against virtue; the whole society will dart their malice at him, and torture him with all the calumnies imaginable, without sticking at any thing that should destroy him, root and branch. For he who professes to be a reformer of the art of physic, must resolve to run the hazard of a martyrdom, of his reputation, life and estate."

Thomson then goes on to state what has taken place in his own person.—"The treatment which the writer has received from some of the learned physicians, since his discovery of the remedy for fever, and various other diseases, is a proof of the truth of this last saying of Dr. Harvey.—They have imprisoned him, and charged him with every thing cruel and unjust; though upon a fair trial, their violent dealings have come down upon their heads; while he has not only been proved innocent before the court, but useful; having relieved many which the other physicians had given over to die."

Again, page 9. This [his success in practice] greatly disturbed the learned doctors, and some of them undertook to destroy me, by reporting that I used poison; though they made no mention of my using their instruments of death—mercury, opium, ratsbane, nitre and the lancet. I considered it my duty to withstand them, though I found my overthrow was what they aimed at. A plan was once laid to take me in the night, but I escaped. Next, I was indicted, as though I had given poison, and a bill brought against me for wilful murder. I was bound in irons, and thrust into prison, to be kept there through the winter, without being allowed bail. I petitioned for, and obtained, a special court to try the cause, and was honorably acquitted, after forty days imprisonment. I maintained my integrity in the place where my persecution began. In five years, while vindicating this new and useful discovery, I lost *five thousand dollars*, besides all the persecution, trouble,

loss of health and reproach, which has been in connection with the losses. "What is there inexcusable in his retort upon such men? My colleague has shown that the attorney general has not quoted but a part of Thomson's views, and by the context Thomson has not been guilty of such falsity as he is charged with.

Thomson enters largely into a description of his system and practice, and quotes considerably from medical authors respecting the character of their own medicines—is there any thing improper in this? He undertakes to recommend his system and practice, on the ground of a thirty years' experience of their usefulness. This he tells the purchasers of a right to use them in his book. Is one of the many purchasers prepared to disprove the correctness of what has been said? My learned friend, the attorney general, charges the witnesses as coming into court, as volunteers, to testify for the prisoner—what impropriety there is in so doing, I know not, but such is not the fact—they are compelled to come here to testify for him. The attorney general has carefully avoided to consider the correct view of the case of Miss Williamson. Disease had made serious inroads upon her frame—unable scarcely to speak—an abscess wasting her vitals, and the presence of considerable fever—who that heard her so touchingly and artlessly relate the tale of her distresses and recovery, heard it unmoved? who doubted its truth in every particular? If Mrs. Williams be not cured, the blooming countenance of Miss Williamson bears testimony to the skill and success of the prisoner at the bar, that colleges and diplomas can never confer. Her father had been sent for to see her die. Miss Williamson has gratitude to her deliverer—could it be otherwise? The attorney general charges the whole body of the Thomsonians in this city, who attempted to relieve their fellow citizens during the prevalence of the late epidemic, which threatened a desolation of our city, with having a conscience for themselves and a conscience for the community—they had, gentlemen of the jury—it was a conscience which induced those truly *brothers of charity* to leave the comforts and delights of their homes, and seek out, and endeavor to save the lives, of their suffering fellow-beings, and at the peril of their own. It is no disgraceful conscience which induces its possessor to seek to secure the comfort and safety of his fellow creatures in the stead of his own, in the day of calamity—a conscience which seeks, not theirs, but them; and, that too in a disease which

had baffled the united skill of the physicians of the four quarters of the world. The physicians had theorised and tested every where, and to no good purpose. The deceased it is proved had cholera, was intemperate, and under the influence of great fear. Fear has been said to be a proximate cause of that disease—and where it is found in connexion with the disease, it is attended with fatal consequences. A certain physician said, "I killed so many, &c. fear killed the rest." From what has been said and written upon the subject, take it for granted in cholera, where fear and intemperance are present, you may give the patient up as gone. Patrick, Moffit, Townsend, and Dr. Hintze, say Hazelip was intemperate, and Dr. H. says he was fearful. West tells you he had shrivelled feet. Dr. Geddings unwillingly bears his testimony that it was a case of cholera—he says that a supernatural heat is a remarkable attendant upon cholera, and not the product of the steam. [Here the attorney general rejoined and stated the opinions, and what was read by Dr. Geddings on the capacity of enduring dry and moist heat.] Professor Geddings admitted that he would not have known what had occasioned the death of Hazelip if the prisoner at the bar had not very candidly and unreservedly informed him that he gave him certain Thomsonian medicines and steam, which have not been extensively used by Dr. Geddings, and of which he knows but little from actual observation—while the witnesses testify that they and the prisoner have used every thing here complained of to a greater extent and decided benefit. The other articles appear to be passed over as harmless, and the lobelia and steam which Professor Geddings supposes was the cause of Hazelip's death, are no longer a tenable ground for conviction. Professor Geddings says the lobelia produces a warmth and glow throughout the system; in this case the indications demanded it, and it was used for the purposes he acknowledges it is good to produce. The only difference on this point is Professor Geddings who knows scarcely any thing of lobelia, but what he has learned from another who gets nearly all his knowledge from hearsay, that it is a dangerous medicine—while the witnesses on the part of the prisoner, who have used, and very frequently seen it used in much larger quantities, say it is not dangerous, but harmless, and was never known to do injury—in this number is Roger Brooke, a gentleman upon whose judgment and veracity we can safely rely, who says he has known it as a remedy for disease of the eye, under

the name of eye-bright for forty years, and for the last two years as lobelia; and although his acquaintance with it has been extensive, he never has had reason to think the administration of it calculated to injure.

I look upon the present case rather as a triumph for, than a trial of my client, and hope when the attorney general has closed his remarks, and the case is sent to the jury that they will give their verdict without leaving the box: for the competency, kindness, and character for every qualification and duty of a physician, are abundantly proved to be possessed by Mr. Burke.

Mr. GILL rose after the conclusion of the address of Mr. Stewart, and said:—

Gentlemen of the jury—there is one part of the address of the attorney for the defence (Mr. Stewart) in which I heartily concur. If the jury see no reason to believe that the death of Hazelip was not caused by the medicines of the prisoner at the bar—and that the prisoner at the bar is not chargeable with ignorance, want of attention or humanity—then in this case they need not retire from their seats to make up a verdict. The statements made by the witnesses, go to prove that there are cogent reasons why Mr. Burke should be convicted, and I hope, whatever defects may have been discoverable in my management of the case, the jury will bear in mind that they are to rely on the testimony of the witnesses and the laws having reference to the subject. I have given much attention to this case, and have industriously put in requisition all my sources of information, and after the most laborious and patient investigation of its merits—guided by the best light of which I am capable,—I can candidly say, I discover in it a subject of the deepest interest to the cause of humanity, and the happiness of the community—and, that it would greatly advance both, if, by a decision adverse to the prisoner at the bar, a stop could be put to the further spread of a practice founded upon such wild and uncertain speculations as those of Thomson. I am astonished any one can be so misled by it as to dare to undertake the cure of disease with such foolish and dangerous means. There is in it a something so unaccountable that I know not how to admit or comprehend that there is not improper and base motive in its whole bearing and history. I am not disposed to wish that Mr. Burke, if innocent, should be condemned and punished—and hope the whole court will

do me the justice to believe the assertion. The jury should not be misled, and I hope that nothing that has fallen from me will have a tendency to mislead their judgments in the smallest particular. I am here to advance rational arguments and honest and fair conclusions. If I discharge my duty in these particulars, whatever is the event—whether Mr. Burke be acquitted or condemned, my duties to the society in which I live, and to the laws of the state, which I am here for the support of, are performed, and no censure because of the consequences can be attributable to me. The same may be said of the gentlemen who act as counsel for the prisoner. We must arrive at a knowledge of the subject under discussion by a careful examination of all its principles and bearings, and present them for the consideration of the court. I yet contend that it is not allowing sufficient scope to the investigation if the view in the present case does not embrace both the principles and the practice of Thomson in connexion with the qualifications of Mr. Burke and the treatment pursued by him. Is the system of Thomson sustained by fair and logical arguments? Do the counsel for the prisoner enter into an examination of it. Press them to it and they tell you that there is no necessity for an examination into its merits—if so, how then can correct conclusions be drawn on the propriety of the administration of their medicines—the counsel for the prisoner say, and the bench say, it is unnecessary for the trial of the case before you. I am sorry for it, and must submit to the weight of circumstances. I still think while we are disposing of the subject it would be better to decide upon the whole ground of controversy, and settle the question for the benefit of the community. Notwithstanding the decision of the bench, I hope I shall be indulged if I occasionally advert to Thomson's system or rule of government in the administration of the medicines. The counsel for the prisoner would confine the whole subject to a sort of mathematical argumentation. Thomson says all constitutions are alike—and they defend the doctrine that all persons should be treated alike. Because one person may be steamed three or four hours without injury, another person may be steamed the same length of time without cause for reflection upon the operator or administrator, if the case terminates unfavorably. This appears to be the rule of argument of the defendant's counsel. Let us not be led astray any longer by wild and visionary postulatæ, but judge of the principle by testing and carrying it into all the minutiae of the

practice. If the practice be not safe then is the principle false, and the principle and practice being at discord, they can, neither, with safety be depended upon, and both are dangerous in their application to the removal of disease, and particularly so in the hands of the illiterate. Let us come back to an examination of the bone and sinew of the argument. If all constitutions are alike, then must all persons laboring under disease be necessitated to submit to the same sort of treatment. Lobelia and steam must be administered alike to all. No one having any share of common sense would admit either the premises or conclusions to be correct. We know all diseases have different degrees of virulence and some are opposite in their nature. Others vary in their type in different constitutions—different climates, and under different circumstances of attack—yet, must they all be treated alike—will one general mode of cure—one general remedy relieve from all? The cholera is said to be the bane of the intemperate, and that the temperate are most likely to escape, because the attack takes place under different circumstances in the one from the other. But would any one be so foolhardy to apply the same remedy for the relief of both in all the varieties and shades of attack. Certainly none would dare to do it without richly meriting, at least, the charge of insanity. If all other sources of information are proscribed but what is contained in this book of Thomson's, where can Francis Burke get general skill to practice medicine safely and successfully. Why gentlemen, Thomson and his followers, deny the use of medical skill—they hold general science in contempt, and treat with derision, all arguments which go to say that if they practice, they should have a general knowledge of medical science. It does more—by the assumption that a universal infallible remedy has been discovered, it checks the spirit of research and prevents all attempts in its followers from essaying to make future beneficial discoveries on the subject, and entrenches them in impenetrable ignorance, the better to prevent them from seeing the falsity of his arrogated powers of divinity, in the immutability of his system and practice; for, if every thing has been already done to perfect the art of healing, all further exertion on the subject, all further research is worse than useless—it is a censurable waste of time. The present epidemic, which now desolates our beloved country, is characterised by symptoms and effects novel in their nature, and awful in their termination.—The most acute, learned and patiently labored investigations

have been made, in order to ascertain its causes, the reason of its erratic deadly spread, and the best means of cure—they yet disagree—but they disagree as men confident in the purity of the intention of their competitors in science—all their writings teem with respect for the motives, (however they may differ in their conclusions) of each other. A confidence is apparent that a spirit of universal charity, and anxiety for the universal spread of useful knowledge pervades the general mass—for true “charity thinketh no ill of his neighbor.” Is this the case with Thomson and his followers? Every page—nay, almost every line in this book shows it is not.—Misrepresentation, misconstruction and malignity and selfishness are stamped in indelible characters on every page—and the grossed minds of its purchasers partake of the hateful disgusting food, and the poison enters, and is diffused through all their intellectual powers. A spirit of blind confidence is generated in their minds. The medicines, however powerful in their nature, because a small quantity may not injure, it is argued, are innocent and harmless in large ones, and a reckless and injurious course of administration which should, by some means, be speedily put a stop to, immediately prompts them to teem out to be swallowed by the too credulous suffering patient the means of death, in the effort to save life. It appears evident, that the Thomsonian remedies have not been administered, in the present case, with sufficient care and discretion. The medicines may, in some cases, and under certain conditions of disease, be very useful, but in others, they must certainly do much harm. Whether the treatment of the patient by the prisoner has been beneficial or not, is the legitimate subject for our investigation, and I am bound, by every consideration of duty and honor, to pursue it. I am bound to make inquiry into it, without looking to the consequences which may grow out of it. The question of mere exercise of humanity, is not involved in it, nor does it, only, enter into the argument, what is the motive?—the deed and the consequences of a blind administration of such medicines, is what most claims our present attention. Where is the prisoner’s skill to be derived from? he denies himself the means of access to its acquisition—he shuts out the means of its attainment. The counsel for the prisoner, in argument against the medical faculty, says, they have theorised and theorised uselessly, and that they are themselves but visionary supposers. Dr. Brown, they say, supposes disease to be originated by too great or too small a degree of heat—and, that

he boastingly said, give him a brandy bottle and a lancet, and he could cure all diseases—if there was too great excitement, he would bleed—if too little, he would stimulate. When the cholera first appeared, every leading physician had a mode of treatment peculiar to himself. Camphor and a variety of other things had their day, and were vanished—one after another had been recommended, and as often given up—but they did not stop to say what effect they had upon the general mass. No man, possessed of common sense, will believe that they did not benefit many, but if better could be substituted, it was proper and right it should be so. The deliriums of fancy are not to be relied upon. Dr. Brown's doctrine of too much irritability and depletion was not more visionary than Thomson's doctrine of heat and cold—the keeping the fountain above the stream, if below it, by the brandy bottle and letting down the heat by bleeding, bore a strong analogy to Thomson's system of lobelia and steaming. The lancet and the steams run parallel with each other—they are both depletives. The theory of Thomson is by no means new; it is as old as the history of medicine—"heat is life," says Hippocrates, and all the authors which succeeded him, reiterate the same doctrine; but they are not mad enough to blend cause and effect, as he does. Dr. Sangrado says to his pupil, Gil Blas and the rest of his household—"drink, my children, health consists in the suppleness and humectation of the parts; drink water in great abundance; it is an universal menstruum that dissolves all kinds of salt. When the course of the blood is too languid, this accelerates its motion; and, when too rapid, checks its impetuosity." [Here the court were indulging in laughter.] I have no design to turn a grave subject into ridicule. I am engaged in exposing gross folly. Thomson's universal menstruum or remedy is heat, applied in the two-fold novel practice of lobelia and steam. Dr. Thomson has put forth one single agent, which is, and sustains the principle of life—heat. But what he means by heat, he does not seem to understand, himself, and of course, I that do not understand him, cannot tell you.—This I understand, at least—Thomson has started with, and maintained throughout his book, a deliberate design to slander the whole medical world. "The regular physicians" are charged with trying "how much" poison "a patient can bear without producing death." The charge is too malicious and preposterous to need comment. With great self-complacency he talks of the "learned doctors," and describes them al-

though "learned" as ignorant of the plainest principles of their science. The "learned doctors" bleeding is against the constitution and life of the patient. The learned counsel for the defendant says, as an excuse for his slanders, Thomson has been put to great trouble and expense, causelessly, by certain of the members of the medical faculty—if it were true, it affords no excuse for the indiscriminate slanders which he deais out against the whole body—it is no excuse for slanders at all. Let gentlemen recollect the trial, read to the court of this same Thomson, from the Massachusetts Reports—let them read it carefully, and they cannot come from an examination of it without feelings of detestation and horror, for the contemptible discoverer of medicines, which, in his low cant, he terms *ram-cat, well-my-grizzle*, and of such stuff as "will go down, presently, and unscrew his naval!"—I am not, strange as it may seem, coining names in contempt, but repeat what the witnesses on oath say, were the names given to his medicines by Thomson himself. Thomson must be exceedingly ignorant of botany—in his description of the plant from which he manufactures his nerve powder, he says,—"There are four species of this valuable vegetable, one male, and three females," &c. "The male is called yellow umbil," &c. "The female kinds are distinguished by the color of the blossoms, which are red, red and white, and white," &c. Was such a thing ever known, that in four "species" there was but one male, and that one, of a different color from the three females, who have distinct colors, and yet the "four species" preserve their distinguishing characteristics of color, and are propagated by "one male." Truly, Dr. Thomson is a surprisingly great discoverer! he is as much in advance of the rest of the world in the knowledge of the science of botany, (for he distinguishes the sexes of plants by the color of the blossoms,) as he is in the science of medicine!

An argument has been forced out by the defendant's counsel, to prove that the administration of the lobelia and steam, was in accordance with the ideas of the physicians—on the contrary, the physicians say, that they are improper and dangerous remedies. Dr. Geddings tells you, that the immediate effects are, "to increase the circulation, and, consequently, to produce a greater flow of the blood to the heart and arteriess;" and, if carried to a certain extent, Dr. Cole says, "it would not have a tendency to relieve congestion." It is contended on the part of the defence, that they cannot do harm, and that lobelia is perfectly innocent—it is so efficacious, that

Mr. Sweeney calls it sampson. Such a name is usually given to indicate strength—I presume it is so in the present instance; and, the greater the strength, the greater the injury liable to its administration. The steam, as argued by the defendant's counsel, is not, necessarily, small, because of the size of the aperture through which it enters the pipe—nor of the pipe, which is proved to be of the diameter of one inch, as is seen on the table of the counsel. The temperature of the steam, does not depend upon the pipe—the smaller the pipe, the greater the degree of heat from the steam, because the greater the quantity of steam, the greater the power of resistance from the surrounding atmosphere. [The court smiled.] I was not present, and did not know its temperature and power of action, but have treated the subject on the gentlemen's mathematical principles. This one thing is certain—there were evidences of gross inattention and ignorance displayed in this part of the treatment. The force of steam was so great that one of the witnesses had to put his handerchief next the pipe, before he could grasp it—and the distance of the generator from the steam cot required great force of heat to propel it so far and to keep up such a high temperature. The physicians all say that it is their concurrent opinion, the lobelia and steam administered in such excess, were the cause of Hazelip's death. That they will produce injurious tendencies—affecting the stomach, intestines, lungs, liver and brains—and give rise to congestion and inflammations of their most important structures—because the increased circulation to the surface is produced by an increased circulation of the heat and arteries, and when over action by its continuation is produced, engorgements, &c. are the necessary consequences. [A comparison was then instituted between the degree of credence to be paid to the character of the testimony, which went to show that the witnesses for the defence had not equal judgment with the physicians in matters of fact respecting the tendency of the medicines administered—after which, the attorney general submitted the case to the decision of the jury.]

Judge BRICE then gave the jury the following
CHARGE.

“This is certainly a case of much importance, not only to the public, but to the practitioners of medicine in general, as well as to the individual whose conduct is now the subject of investigation ; and as it is not one of ordinary occurrence, the jury will no doubt be rather gratified than otherwise in

having the assistance of the court in making up a correct verdict.

We have had several occasions in the progress of this cause, to state what we now think proper to repeat, that it is not your province to decide on the merits or demerits of the Thomsonian theory and mode of practice, compared with others. Whether he has or has not made any valuable discovery in the science of medicine, as he and his followers assert he has, must be referred to the discussion of the learned faculty and the test of experience; the province of the criminal code, which we are called on to administer, is confined to the investigation of human actions and motives only. Your inquiries, therefore, will be directed to what was the actual effect and operation of the medicines used on the person of the deceased as causes of his death, and the qualification of the prisoner to administer them, without regarding the particular system or theory on which his practice is founded. It will depend upon your opinions on these subjects, whether the death of the patient shall be attributed to the prisoner as his misfortune or his fault,—mistake or a crime.

To support the issue on behalf of the State, it must be proved to your entire satisfaction that the deceased came to his death by the means stated in the indictment. If you should be of opinion, that he did not, there is an end of the cause; the prisoner must be acquitted—but if on the contrary, you shall be satisfied that the death was caused by the medicine used, and other treatment directed by the prisoner, the latter will be criminally responsible for his agency, provided you shall be satisfied from the evidence that he was *either grossly ignorant* of his profession, or was guilty of *gross rashness* and *imprudence* in the management of the case under his care. The first principle is adopted by the law to prevent *ignorant persons* from a presumptuous tampering with human life, and the second to enforce the duty of diligence in the administration of the means of cure when once commenced.

To avoid the imputation of gross ignorance, it is not necessary that the physician shall have pursued any prescribed course of study, or be attached to any particular system of medicine—nor is it material in the view of the criminal code whether he has been licensed by the faculty or not; but it is incumbent on him, when required, to give satisfactory proof that he had, at least, what the law books term a *general competency*, and that he had acquired from *study or practice*

and observation, such a degree of *skill and experience* in his profession as would warrant a discreet and conscientious man in believing himself competent to discharge the duties he had undertaken to perform. In deciding on this part of the case, the prisoner will be entitled to the benefit of the very respectable testimony given of his skill and long experience, and of the success with which he and others have administered the same remedies which were used in the case under consideration. If you believe this testimony, we think he will be entitled to an acquittal from the charge of gross ignorance.

If the general competency of the prisoner is established to your satisfaction, the remaining enquiry will be as to the correctnesss of the imputation of gross rashness and extreme indiscretion in the application of the means of cure adopted by him.

This is certainly a grave charge, and if supported by the testimony, will justly consign the prisoner to infamy and punishment; but before you draw such a conclusion, it is proper for the court to inform you that the fact ought to be sustained by such cogent and irresistible proof as will leave no *rational* doubt on your minds of its truth; for where there is a rational doubt, the rules of law, as well as the dictates of charity, prefer attributing the melancholy event to any other cause which is consistent with the prisoner's innocence, rather than to that reckless and criminal indifference to human suffering, which is characterised by gross rashness and want of due care. Physicians are all deeply interested in the question of responsibility in cases of this kind—they are often obliged to exercise a discretion which to by-standers and unskilful persons may appear rash and unfeeling; but which may, nevertheless, be dictated by the soundest judgment and the kindest feelings towards the patient, and an anxious desire to promote his recovery. To use the language of Lord Hale, “God forbid that a failure should subject the unfortunate practitioner to a criminal prosecution, when he has done the best he could to effect a cure.”

It will be for you, gentlemen, to apply these principles to the present case, according to your understanding of the testimony.

To sum up the whole, the court are of opinion, and so direct the jury, that if they shall find from the testimony that the prisoner was either grossly ignorant of his profession, or acted with improper rashness and want of due caution in the

care of his patient, and shall also be of opinion that the death of the patient ensued from the causes assigned in the indictment, then they should find a verdict of guilty ; but, if on the contrary, the jury shall be of opinion, that the prisoner was possessed of reasonable competency in the line of his profession, and that he applied the remedies to the best of his judgment, and with an honest design, to effect a cure or prevent disease, he is not guilty of the alledged crime, although the death was owing to the causes set forth in the indictment."

Verdict of the Jury, "Not Guilty."

CONCLUSION.

The subscriber begs leave to say a few words, in reference to the subject of the preceding pages. The gentlemen of the bar either could not, or would not in time, furnish him with their arguements to the jury, and he was compelled to make use of his own very imperfect memorandums, taken during the trial, for the purpose of giving every satisfaction in his power, to an anxious public, respecting its whole history.—As has been said before, the report of the testimony is from the notes of Mr. William G. Jones, a member of the pannel which tried him. If the undersigned has omitted to record any part of the arguments, mis-stated the views of the speakers, or failed in presenting any part, in the forcible, clear and conclusive manner in which they were delivered, he sincerely craves their pardon.

To the public, he would say, it appeared to him very unkind in the physicians, to whom he attributes the cause of all his vexations, to treat him as they have done. He has always endeavored to manifest a respectful and friendly demeanor towards them, for the proof of which, he refers to the testimony of Dr. Isaac Cole—whom, until he proved himself otherwise, he considered a friend. Antecedent to the visitation of the cholera, the subscriber followed his occupation, (a printer,) without even the most remote expectation of resuming the general practice of medicine, according to the Tomsonian System, in the city of Baltimore. When he heard of its fearful ravages in other places, he was half inclined to go and grapple with, and lend his aid in subduing it—but, his lack of pecuniary resources operated as a sufficient discouragement to restrain him. The Cholera, at length, came—it invaded the peace and lives of his fellow citizens. Day after day, he heard that the number of its victims were increasing, and that the efforts of the scientific were inadequate, and the spirits of many of them quailed, and shrank from the presence of the victims of the fell destroyer—he had given, to alleviate the miseries of his fellow beings, every moment in his power to spare—but the cries of bitter distress, demanded more—he gave his all—his days and his utmost

stretch of mind, and physical powers in furtherance of the interests of others.* There was a point beyond which his pecuniary means could not be extended, and after laboring through the brunt of the evil, but before its disappearance, he was compelled to the decision—either to abandon the situation held in reserve for him, when he chose to return to it, or abandon some of his patients in their hour of greatest need. What could he do? The cares and necessities of a large and helpless family, required that some safe provision should be made for them—but, what must he do? The lives of his fellow beings depended upon his attention to them—in the face of, perhaps, penury and want—he determined to cleave to the service of mercy rather than to selfishness. Until then he had never charged nor received pay from a single individual for all he had done. The first opportunity that offered, which was but a few days thereafter, Mr. Hazelip, (the gentleman with the cause of whose death he was charged, and arraigned and tried by the criminal court in this city,) was forcibly wrested from him, and after the treatment pursued by Dr. Cole and

* In addition to what is stated, in his conclusion, the writer would take the liberty to acquaint his fellow citizens, that, before the cholera was at its height of destructiveness, but after a demonstration of the usefulness of Thomson's medicines had been made—the writer became the medium of communication between several of his Thomsonian brethren and the City Council, wherein it was proposed to attend cholera patients in an hospital under their superintendance and control, but furnished by the city, with the proviso, that, if the Thomsonians were not more successful in that establishment than were others under like circumstances, then the practitioners were not to be paid for their services, but if successful, what the city deemed a proper salary. Finding, through a friend, that the committee appointed to consider it, were expected to report unfavorably, on the ground of impropriety, because of a law of the state, which denied the privilege of charging for services, to any but the members of the medical and chirurgical faculty; the subscriber changed the proposal, for the purpose of obviating that objection—and offered for himself and his brethren to labor, &c. without remuneration. But this proffer was also refused.

Another case, not unlike the above—two gentlemen, Thomsonians, (one of whom had had very considerable practice) hearing that the cases of cholera were very numerous and fatal at the new alms house, proposed to attend all in their power under the Thomsonian system of practice without hope of reward. Some of the trustees, (I think they call them) all that were present, agreed to the proposal—but, when the gentleman stated the object to the presiding physician, he promptly refused the proffered aid,—choosing rather to let his patients run the risk of death, by his countinuance of their former mode of treatment.

I cite the above circumstances to show that the "conscience" of the Thomsonians has proof of being liberal.

Dr. Knapp in whose hands he died, persecuted and maligned by many with all the untiring malice of demons. If the treatment of Mr. Hazelip by me, (which I deny) caused his death—some little allowance for the frailty of human effort might have been made by men who were in the habit of losing patients. I had not sought stealthily to foist myself into practice. I went openly and boldly into it—not ignorantly, but knowing what was called for by the necessities of the times. I had practiced successfully, and was confident in the applicability of Dr. Thomson's System and Practice to meet the disease which the celebrated Magendie of France characterized from all others by the saying “it (the cholera began where other diseases ended—in death.” In that confidence, I took a delight in inviting the members of the medical faculty to witness my efforts—I invited all that gave me an opportunity, among that number I invited Dr. Cole. If he did not visit my cases often, I was not censurable. I knew, or rather heard from good authority (I will not say how honorably) that Dr. Cole had Thomson's book, and thought, that as he had, or ought to have some knowledge of the medicines, he might see their good effects, and profit by it, without the humiliating necessity of appearing to stoop to be taught by the practice of an irregular and ephemeral physician. I thought he would be able the better to save life—I thought to impart to him, unmasked, the cheering evidences of truth—but, at the first opportunity the adder stung me, with a view to the death of, at least, my reputation. And he was so ignorant too of Thomson's medicines, that he said to me in the presence of his medical brethren and the coroner's jury when I was before them, in reference to those medicines; “I know all about them;” and afterwards, swore in open court (he knew so little about them) that the No. 6, (a liquid mixture) was a powder! To this I will not demur, however unaccountable—but, would advise such as are anxious to know “the whole truth, and nothing but the truth,” to ask James Gray, in Calvert street, two doors North of Water st. whether some certain Dr. Isaac Cole of his acquaintance has not purchased of him No. 6, at sundries, with an expressed intention to use it in conjunction with spirits of turpentine, as an embrocation on his patient or patients. “Let justice be done—though the heavens fall!” After what has been testified to in court—perhaps it may not be necessary for Dr. Cole to report that the body of Mr. Hazelip “was so hot” on the post mortem examination “that he could not

bear to put his hand within it," and that "it was hot enough to cook an egg." Cooked to death "without an abrasion of the skin"—he has conceded to me an art, not common to men! Dr. F. E. B. Hintze, good soul, can now find some rest for his tongue—he need not now hold forth to a large concourse of people in Second street, and call me by many hard names—two defeats in one court house are, or ought to be sufficient for a gentlemen of his stultiness of effort. To Dr. M. L. Knapp, I would say—but, "let the dead rest;" it is, as a certain coroner expressed it, "a case of self-suicide." Against the balance of my medical opponents and others, I have no unpleasant feelings; and can cheerfully and heartily say—"bide ye well, and betide ye well."

To the public, let me mention, *en passant*, that my straightened circumstances would not allow me to await their bidding as a Thomsonian practitioner—my little all had been expended in relieving others from disease, and defending myself against the machinations of my pursuers, and the re-action could not be waited for; when by hard labor and penny-saving, I can be possessed of the necessary *et cetera* for successful and genteel practice, I intend, again, to buckle on the physician, and enter the medical field, as a practitioner with Dr. Samuel Thomson's Patent Vegetable Medicine.—Until then,

Farewell,

FRANCIS BURKE.

